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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 4th August 1960:—

Issue No.	No. and date	Issued by	Subject
154	S. O. 1892, dated 30th July, 1960.	Election Commission, India.	Calling upon elected members of the Legislative Assembly of Gujarat State to elect a person to fill a vacancy in the Council of States.
	S. O. 1893, dated 30th July, 1960.	Do.	Appointing dates for the election referred above (S. O. 1892).
	S. O. 1894, dated 30th July, 1960.	Do.	Designating the Secretary, Gujarat Legislature Secretariat, Ahmedabad to be the Returning Officer for the election referred above (S. O. 1892).
	S. O. 1895, dated 30th July, 1960.	Do.	Fixation of hours with reference to the election referred above (S.O. 1892).
	S. O. 1896, dated 30th July, 1960.	Do.	Appointing Assistant Secretary, Gujarat Legislature Secretariat, Ahmedabad, to assist the Returning Officer in the election referred above (S.O. 1892).
	S. O. 1897, dated 30th July, 1960.	Do.	Appointing Assistant Secretary, Gujarat Legislature Secretariat, Ahmedabad, to assist the Returning Officer in the election referred in S. O. 1888.

Issue No.	No. and date	Issued by	Subject
155	S. O. 1898, dated 1st August, 1960.	Ministry of Commerce and Industry.	Appointing 1st August 1960 as the date on which the provisions of the Standards of Weights and Measures Act, 1956 shall come into force in respect of classes of undertakings and extent specified therein.
	S. O. 1898-A, dated 1st August, 1960.	Do.	Permitting in respect of undertakings referred to in S. O. 1898 above, the continuance of use for six months of any weight or measure which was in use in respect of the same.
156	S. O. 1899, dated 30th July, 1960.	Ministry of Steel, Mines and Fuel.	Notification by the Iron and Steel Controller regarding revised special concessional maximum selling prices of Tin-plates.
157	S. O. 1900, dated 2nd August, 1960.	Ministry of Information and Broadcasting	Approval of films specified therein.
158	S. O. 1952, dated 2nd August, 1960.	Ministry of Finance	The Central Civil Services (Revised Pay) Rules, 1960.
159	S. O. 1963, dated 4th August, 1960.	Ministry of Steel, Mines and Fuel.	Granting leave to Shri Zaman, I. C. S., Chairman, Coal Board and appointing certain persons in his place.
160	S. O. 1964, dated 4th August, 1960.	Ministry of Law	Declaration that Shri Arun Arora of Kanpur has been duly elected by the elected members of the Uttar Pradesh Legislative Assembly to fill a vacancy in the Council of States.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 5th August 1960

S.O. 1967.—In pursuance of sub-section (6) of Section 116A of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the decision of the High Court of Bombay at Nagpur given on the 4/6th April, 1960, on an appeal from the order dated the 10th December, 1959 of the Election Tribunal, Nagpur.

IN THE HIGH COURT OF BOMBAY AT NAGPUR.

APPEAL No. 16 OF 1960 FROM ORIGINAL DECREE.

Shri Baburao s/o Tatyaji Bhonsale.....Appellant.

(Original Petitioner).

Versus.

Shri Madhav son of Shrihari Aney.....Respondent.

(Original Respondent).

Appeal against the decision of J. M. Sheth, Esquire, District Judge, Member, Election Tribunal at Nagpur in Election Petition No. 5 of 1959 (Transfer Election Petition No. 2 of 1959).

M/s. S. G. Kukdey, D. L. Jaywant, Advocates for the Petitioner.

M/s M. R. Bobde, B. R. Mandlekar, B.A. Masodkar and C.S. Dharmadhikari, Advocates for the Respondent.

(Coram: Kotval and Badkas, JJ.).

4/6th April, 1960.

ORAL JUDGMENT, (per Kotval, J.)

We are concerned in this appeal with an election from the Nagpur-Umrer Parliamentary Constituency held to fill a casual vacancy in the House of the People as required by section 149 of the Representation of the People Act, 1951, (Act No. 43 of 1951) (hereinafter referred to as the Act).

The following dates are material for the purposes of the appeal:

The notification calling upon the Constituency to fill the vacancy (under section 149 of the Act) was issued. on 10th December, 1958.

The last date for filing nominations by candidates standing for the election (under section 36) was 20th December, 1958.

The last date for withdrawing one's candidature (under section 37) was 26th December, 1958.

The actual polling at the election (under section 31st January, and 1st February 1959) took place on 1959.

The counting of votes was commenced on 2nd February, 1959 and completed by 3rd February, 1959 on which date the result of the election was declared.

At the election, the contest was between three persons. They were (1) the respondent Madhav Shrihari Aney who was supported by the Congress Party and by the Vidarbha Andolan Samiti; (2) Rajabhau Khobragade who was supported by the Samyukta Maharashtra Samiti; and (3) Haridas Damaji Awade who stood as an independent candidate. There was a fourth person who had filed his nomination, N. L. Belekar, but he withdrew his candidature within the time allowed and was not a contesting candidate. The successful candidate was the respondent M. S. Aney, who secured 1,27,025 votes, Rajabhau Khobragade secured 68,957 votes and Haridas Damaji Awade secured 11,448 votes.

Consequent upon the declaration of the result of the election, a petition was presented under section 81 of the Act on 18th March, 1959 by the appellant Baburao Tatyaji Bhonsale praying that the election of the respondent should be declared void. There was no prayer that any other candidate standing for the election should be declared elected as contemplated by section 82(a) of the Act.

In the election petition the appellant-petitioner claimed that he was a voter whose name was duly entered in the electoral roll of the said Constituency, a fact which is not in dispute before us. According to the petitioner, the respondent's election was liable to be declared void because either the respondent or his agents and other persons working for him were guilty of certain corrupt practices as defined in section 123 of the Act.

The allegations in the petition are brief and it is worthwhile reproducing the material paragraph because most of the questions argued in appeal turn upon

the recitals in that paragraph. In paragraph 6 of the petition, the petitioner stated his case regarding corrupt practices as follows:

"In the course of the propaganda carried on by the respondent for his election, systematic appeals were made by the respondent and with the consent of the respondent by his agents and other persons who were canvassing votes for him, to vote for the respondent and to refrain from voting for Shri Rajabhai Khobragade on grounds of caste, race, community and religion. The respondent and with his consent his agents and other persons working for him used the election symbol of the respondent, viz., two bullocks with yoke on and appealed to it as a symbol of Buddhist religion and the Hindu religious symbol of cow was used and appeal made to it for the furtherance of the prospects of the respondent's election. These appeals, uses and appeals were made at various meetings held at Nagpur and other places particulars of which are given in Schedule I, by articles and items published in the newspapers (filed herewith) viz., Dainik Vidarbha Andolan and Dally Maharashtra, published at Nagpur, particulars of which are given in Schedule II and by pamphlets and handbills published at Nagpur, the particulars of which are given in Schedule III."

In paragraph 7 of the petition, the petitioner also alleged other forms of corrupt practices with the details of which we are not concerned in this appeal. In paragraph 16 of the petition stated that on account of the commission of the above corrupt practices and the instances of non-compliance with the provisions of the Constitution, the Act, Rules and Orders made under the Act, the result of the election, in so far as it concerned the respondent, had been materially affected. Appended to the petition were six schedules in which particulars of the corrupt practices were given and the details of the contraventions of the Act. In Schedules I and II the petitioner stated, with reference to paragraph 6 reproduced above, the particulars of the several meetings wherein speeches were made making appeals which amounted to corrupt practice within the meaning of section 123(3) of the Act. The petitioner merely gave the dates of the meetings and the places of the meetings. In Schedule II the petitioner referred to several articles published in news-papers and items of news appearing in two news-papers, namely, the Dainik Vidarbha Andolan and the Dainik Maharashtra. We shall later on refer to certain specific items out of these two schedules attached to the petition.

Before the Election Tribunal the petition had a chequered and unfortunate career. The petition was filed on 18th March, 1959. The respondent replied to it on 23rd July 1959. By paragraph 18 of his reply, the respondent alleged that the averments as to corrupt practices, particularly the averments in paragraph 6 of the petition, were far too general, vague and indefinite and they did not furnish the particulars requisite under law. The respondent averred that the petitioner ought to disclose who were the agents referred to in paragraph 6 of the petition and by which other persons the working or canvassing for the respondent was done. The respondent prayed that for want of these particulars regarding corrupt practices in terms of section 123(3) of the Act, the pleadings were liable to be struck off. Pursuant to this objection, the petitioner applied for amendment of his petition on 25th July, 1959.

In his application for amendment, the petitioner alleged that he desired to add some particulars to those already given in his petition and for that purpose he wanted to amend Schedule I to II as stated in the lists appended to the application for amendment. The petitioner also prayed for amendment upon another ground, namely, that the petitioner had through inadvertence not given a few particulars in the petition and that inadvertent omission should be permitted to be supplied. He appended to the application for amendment two statements, among others, which he wished to be added to Schedules I and II of the petition.

In Schedule I, he wished to add "names of speakers who made the appeal or use referred to in section 123(3) of the Representation of the People Act" and among the names mentioned was at items 1 and 3 the name of N. L. Belekar, the candidate who had withdrawn. In Schedule II, the petitioner wished to add the names of persons who were parties to the corrupt practices. It may be mentioned here that in Schedule II which had already been filed, against item No. 6

under the heading "Author" appeared the name of Haridas Awale referring back to item No. 5 in the original Schedule which item was as follows:

Date of issue	Volume No.	Page	Caption of articles and items
26-1-1959	Vol. I. No. 7	1	Khobragade Na Mat Dewoon Paksha Droha Wa Dharma Droha Karoon Naka.

[Be not treacherous to (your) party and (your) religion by giving (your) votes to Khabragade].

The application for amendment was opposed by the respondent. By an additional statement filed on 28th July, 1959 (Ex. 9) it was objected by the respondent that these particulars which the petitioner sought to add had been invented later on. It was also objected that the adding of these particulars virtually meant presenting a fresh election petition which could not be done after the period of limitation was over, nor could it be done except with the permission of the Election Commission. The respondent also alleged that the application for amendment was not *bonafide*.

The Election Tribunal allowed part of the application by its order dated 26th August, 1959, (Ex. 12). The Tribunal took the view that in so far as the petitioner desired to give the particulars of corrupt practices already alleged, he was entitled to do so but that he could not give by way of amendment any further instances of corrupt practices, because that was expressly prohibited by the provisions of section 90(5) of the Act. The Tribunal took the view that so far as the omission to give the particulars was concerned it was a case of negligence or inadvertence and that for a fair and effectual trial of the petition, the petitioner ought to be allowed to amend his petition by giving those particulars.

With the allowance of the amendment application commenced all the difficulties which the petition encountered before the Tribunal culminating in its dismissal. On 14th September, 1959, the respondent raised a preliminary objection to the petition founded upon the provisions of section 82(b) of the Act (Ex. 23). According to the respondent, the candidate Haridas Awale against whom allegations of corrupt practices had been preferred in the petition as amended was a necessary party to the petition because, of section 82(b) and since the said candidate had not been joined, the petition was liable to be dismissed *in limine*.

The petitioner made frantic efforts to avoid the effect of the objection. On 21st September, 1959 he replied to the objection stating that the objection had not been taken by the respondent in his written reply and that therefore it should not be entertained. The petitioner denied that any allegations had been made in the petition that the candidate Haridas Damaji Awade had committed any corrupt practice. He stated that any amendment of the petition to the effect that the candidate Haridas Damaji Awade had committed corrupt practices could not have been allowed by the Tribunal and would be outside the scope of the petition. The petitioner added that he had no objection to joining the candidate Haridas Damaji Awade as a respondent but did not apply to join him.

The Tribunal heard arguments as to the preliminary objection raised and upon submissions of counsel as to the pleadings it came to the conclusion that it was not clear whether the petitioner wished to refer to the candidate Haridas Damaji Awale or Awade. The Tribunal therefore made an order on 23rd September, 1959, (Ex. 28) that the petitioner should make the position clear by filing another written statement with proper verification. In compliance with this order the petitioner filed a written statement on 23rd September, 1959 as follows:

"That the allegation of corrupt practice made by him in the petition amended on 28th September, 1959, is made against one Haridas Awale, the author of the item entitled, "Khobragade Na Mat Dewoon Paksha Droha Wa Dharma Droha Karoon Naka" and published in Dainik Vidarbha Andolan dated 26th January, 1959 and not against Haridas Damaji Awade one of the contesting candidates in the election who is a different person".

Consequent upon this clarification the Tribunal framed the additional issue No. 15(a) upon which the petition came to be subsequently dismissed.

Meanwhile, on the same day on which the petitioner filed his reply to the preliminary objection, viz., on 21st September 1959, he also prayed for a further amendment (Ex. 25). By that application, he practically wanted to withdraw most of the amendments which he had applied for on 25th July 1959, and which had been opposed by the respondent but notwithstanding the opposition had been allowed by the Tribunal by its order dated 26th August 1959. The subsequent application for amendment clearly shows that the petitioner had fully appreciated the lethal nature of the objection raised by the respondent that the petition could not be proceeded with in the absence of the candidate Haridas Damaji Awade.

On 24th September 1959 the Tribunal passed a lengthy order whereby it rejected the second application for amendment. The Tribunal held that the respondent had by then acquired a right to have the petition dismissed under the provisions of section 82(b) read with section 90(3) of the Act and the allowance of the second amendment would take away that right. The petitioner therefore could not be allowed to resile from the amendments which he had previously sought and which had been allowed in the teeth of opposition by the respondent.

Simultaneously with the framing of the additional issue there were several other issues framed upon the merits of the allegations in the petition, particularly as regards the corrupt practices alleged. With the pleadings on this part of the petitioner's case and the issues framed thereon we are not concerned in this appeal, for, as we have already stated, the petition has been dismissed by the Tribunal upon the preliminary ground that it did not lie because the necessary parties were not joined as required by section 82(b) of the Act. On 28th September, 1959 the respondent applied that the additional issue No. 15(a) which had been framed by the Tribunal should be tried as a preliminary issue. This was opposed by the petitioner and ultimately the Tribunal rejected the application by its order dated 1st October, 1959, and decided to proceed with the trial of all the issues simultaneously. The evidence recorded in the case was recorded on all the issues, though in the result after hearing arguments, the Tribunal has dismissed the petition only on the preliminary ground and not given its findings on the merits of the petition. It is one of the points raised by the appellant in this appeal that the Tribunal ought to have decided all the issues, in the circumstances.

It remains to be mentioned here that the petition has not merely been dismissed for the non-joinder of the candidate Haridas Damaji Awade but also because of the non-joinder of another candidate N. L. Belekar. How this issue came to be raised may now be explained. N. L. Belekar was a candidate who had filed his nomination paper in the election but he had withdrawn the nomination under section 37 of the Act. This is not disputed in the appeal before us. Since allegations had been made in Schedule I of the petition against N. L. Belekar of having committed corrupt practices as mentioned in paragraph 6 of the petition, the candidate N. L. Belekar was examined as a witness on behalf of the respondent. In his evidence as R. W. 2 at Ex. 210, N. L. Belekar admitted that he was a candidate and had withdrawn his nomination. He had stood as an independent candidate. Consequently upon this admission, the respondent applied on 25th October, 1959 (Ex. 331) that he had come to learn during the evidence that N. L. Belekar was a candidate and had withdrawn his candidature and that therefore he was also a necessary party under section 82(b) and that since he was not joined the petition was liable to be dismissed under section 90(3) of the Act. In reply to this objection (Ex. 333), the petitioner admitted that N. L. Belekar had not been joined as a respondent to the petition but he denied that N. L. Belekar was a candidate. According to the petitioner, N. L. Belekar had withdrawn his candidature under section 37 of the Act and "thereby he ceased to be a candidate". The petitioner also denied that he had made any allegation that N. L. Belekar had committed corrupt practices as a candidate. The petitioner also urged that the Tribunal had no power to order the amendment of the petition, so as to show that N. L. Belekar had committed corrupt practices and that in any case the objection was outside the scope of the issues raised. The Tribunal appears to have decided to try this issue. It did not pass any formal orders but in its judgement it framed additional points for determination which are stated in paragraph 11 as follows:

- "(1) Whether the respondent proves that the allegations made in para 6 of the election petition and the Schedule I of the election petition are the allegation of corrupt practices made against Shri N. L. Belekar, the candidate?

(2) If so, whether the election petition is liable to be dismissed under section 90(3) of the Representation of the People Act, 1951, on account of the non-joinder of this candidate as a party to the election petition?"

In a Judgment which is by no means remarkable for its brevity, the Tribunal has held that the petition was liable to be dismissed under section 82(b) read with section 90(3) of the Act because the two candidates whom it was necessary to join as parties to the petition, namely, Haridas Awade and N. L. Belekar, were not joined. It negatived the contention raised on behalf of the petitioner that Haridas Awale referred to in Schedule II read with paragraph 6 of the petition was not the candidate Haridas Damaji Awade. It held that the allegations of corrupt practices made in the petition were made only against the candidates Haridas Damaji Awade and N. L. Belekar and no other persons bearing these names. It also held that allegations in the petition amounted to allegations of corrupt practice against these persons as candidates and that therefore they ought to have been joined under section 82(b) of the Act as parties to the petition, and since they were not so joined, the petition was liable to be dismissed under section 90(3). In view of this finding, the Tribunal further held that it was unnecessary for it to go into the other issues framed in the case. It rejected the contention that the Tribunal was bound to decide them under section 99(1) because they were issues pertaining to the allegations of corrupt practice.

Mr. S. G. Kukdey on behalf of the appellant-petitioner, has raised several contentions both on the facts and in law. On the facts it was urged that the allegations which were made in the petition were not allegations against any candidate. Before the Tribunal it appears to have been contended that Awale and Awade are not the names of one and the same person and that the candidate was Haridas Damaji Awade and not Haridas Awale mentioned in Schedule II of the petition. A great part of the judgment of the Tribunal has been devoted to this controversy but in the appeal before us it has been conceded that the candidate is known as either Awale or Awade and that nothing turns upon this difference in the spelling of the name.

We have already reproduced the recitals in paragraph 6 of the petition. The allegations in Schedule II so far as Haridas Awale is concerned were as follows:

"SCHEDULE II

Showing the articles or items in Dainik Vidarbha Andolan and Dainik Maharashtra, mentioned in para 6 of the petition.

S. No.	Date of issue.	Volume No.	Page	Caption of articles and items.
5.	26-1-59	Vol. I. No. 7.	1	Khobragade Na Mat Dewoon Paksha Drcha Wa Dharma Drcha Karoon Naka.

The following persons as authors of items stated against their names.

Author	Item	Page.
6. Haridas Awale	5	1"

The allegation of corrupt practice thus was by an author Haridas Awale and the entry at item No. 6 in Schedule II refers back to item No. 5 in Schedule II as it originally stood wherein the caption of articles and items has been given. It is not in dispute that this has reference to Ex. 89 which is a copy of the Dainik

Vidarbha Andolan dated 26th January 1959. In this copy of the newspaper the following statement appears:

"DON'T BE TREACHEROUS TO THE PARTY AND RELIGION BY VOTING FOR KHOBRAGADE"

Awale's exhortation to the Nao-Buddhist.

'If you want to preserve our great religion according to the principles of Babasaheb Ambedkar, do not vote for Khobragade who has been swallowed up by the Samyukha Maharashtra Samiti and the Communists.' This was told to a meeting attended by ten thousand people at Joginagar by Shri Haridas Awale, the elder leader of the Republican Party in Vidarbha."

According to the petitioner, the appeal to religion is clear and so the making of the speech will amount to a corrupt practice within the meaning of section 123(3) of the Act. Now, the petitioner has referred to the author Haridas Awale in the Schedule II as amended but in his evidence he has admitted that he does not personally know any other man having the name of Haridas Awale excepting the candidate Haridas Awale. (see para 89 of his deposition). What is more, he has subscribed to the Schedule a verification that the contents thereof are true to his personal knowledge. Therefore, so far as the petitioner is concerned, it follows that when he mentioned the name of Haridas Awale in Schedule II to the petition and verified it as from his personal knowledge, he could not possibly have referred to any other Awale except the candidate Haridas Damaji Awale.

That this is so is further clear from a number of documents placed before us. In the first place, as part of the first application for amendment he filed a list of persons who committed corrupt practices, which appears at Ex. 13. This was a list of the names of editors, publishers and authors of the articles whose names appear in the various issues of the Dainik Vidarbha Andolan which he had filed. In Ex. 13 the petitioner stated that "names no. 6 to 26 appear in the issues of Dainik Vidarbha Andolan mentioned in Schedule II of the petition against the item numbers (Sl. Nos.) given against these names in Schedule II of the application for amendment". The person mentioned against item no. 6 in Schedule II, Haridas Awale, was the person whose name appeared in the issues of the Dainik Vidarbha Andolan. We have already reproduced the relevant extract from the Dainik Vidarbha Andolan at Ex. 89 and it is patent from the recitals in it that the person referred to in that article was none other than the candidate Haridas Damaji Awade. This is also not disputed by the petitioner. Thus, on the petitioner's own showing the person mentioned in Schedule II was the candidate Haridas Awale.

We have also reproduced above the statement which the petitioner filed when the Tribunal asked him to clarify his pleadings and in that statement at Ex. 29, he referred to one Haridas Awale, the author of the item entitled "Khobragade Na Mat Devoon Paksha Droha Wa Dharma Droha Karoon Naka" and published in the Dainik Vidarbha Andolan dated 26th January 1959. No doubt, in this statement the petitioner further added that the allegations were not against Haridas Damaji Awade, one of the contesting candidates in the election. But whether he stated this or not, we are quite unable to see to whom the former reference could possibly be except to the candidate Haridas Damaji Awade. A mere perusal of the copy of the Dainik Vidarbha Andolan proves this. Besides, the petitioner admitted in para 62 of his evidence:

"Every time I read the reference about Awale in these issues of Dainik Vidarbha Andolan, I always had an idea that the reference was to the candidate Haridas Awale."

The matter becomes all the more certain when we consider that no other person having the name of Awale but the candidate was known to the petitioner.

Mr. Kukdey on behalf of the appellant throughout stressed the fact that in Schedule II of the petition, Haridas Awale has been referred to as the author of the item stated against his name and that therefore the petitioner certainly intended to make a distinction between Haridas Awale, the author, and Haridas Awade, the candidate. In fact, the petitioner also, when giving his evidence, has tried to support this distinction. In paragraph 58 he stated:

"In my statement Ex. 29, I have written that the allegations of the corrupt practice made by me in the petition amended on 28th August 1959 are made against one Haridas Awale, the author of the item entitled

Khobragadana Mat Dewoon Paksha Droha Wa Dharmadroha Karoo Naka and published in Dainik Vidarbha Andolan dated 26th January 1959 and not against Haridas Damaji Awade, one of the candidates, who is a different person."

He admits that he knew about this other person, the author Haridas Awale, two or three days after the publication of the Dainik Vidarbha Andolan issue of the 26th January 1959. He says in paragraph 58 that he came to know that some person named Haridas Awale had made this report to the newspaper and that is why he mentioned him in the schedule as the author of the article. Relying upon this evidence, Mr. Kukdey urged that the Haridas Awale referred to in Schedule II was the reporter of the speech which may have been made by Haridas Awade, the candidate, that the allegations of corrupt practice in paragraph 6 of the petition should therefore be read with reference to this reporter and not with reference to the candidate, Haridas Awade. We have no doubt upon the evidence that this stand of the petitioner is false and that it was taken at a late stage only to avoid the effect of the objection as to non-jolnder taken by the respondent.

In the first place, we may mention that though the petitioner was several times asked by the Tribunal to make his pleadings upon the question clear—and in fact he availed of that opportunity—at no stage did he mention any reporter whatsoever. Ex. 29 was specifically filed under orders of the Tribunal to clarify this point. But even in Ex. 29 the petitioner did not say that Haridas Awale mentioned in Schedule II was the reporter of the speech but what he said was that he was the author of the item. In Schedule II also he referred to the person as the author of the article or the author of the item. The word "author" in plain English implies the writer or composer of a treatise or book. In the context of a speech, the use of that word can only suggest the maker of the speech and not the press reporter. Moreover, the use of the word "author" in the Schedule has to be read in the context of para 6 of the petition wherein Schedule II is referred to. Now, the allegations in paragraph 6 show that in Schedule II the petitioner was giving particulars regarding "appeals" made on religious grounds. In that context again the use of the "author" can only mean the maker of the appeal and not the reporter of the speech in which the appeal was made. What is more, Mr. Kukdey conceded that under the heading "Author" in Schedule II there were many persons mentioned who were not reporters but who had either themselves contributed written articles to the Dainik Vidarbha Andolan or whose speeches had been reported therein. Therefore, by the use of the word "author" the petitioner himself referred to persons making the speeches or writing the articles themselves and not to reporters. At any rate, since so much depended upon this question and since the petitioner was expressly given repeated opportunities to clarify his pleadings, we do not see any reason why the petitioner should have left this important matter in doubt. In our opinion, however, it is no longer left in doubt if we consider the evidence of the petitioner, the document and the other circumstances. The person referred to in Schedule II was the candidate Haridas Damaji Awale or Awade.

The matter however is put beyond any doubt when we consider that in these proceedings evidence has actually been tendered of the reporter who reported the speech in Ex. 89. He is the witness Madhukar Bhujangrao Deshpande (R.W. 4). This witness was the sub-editor of the Vidarbha Andolan weekly. He has deposed that the report in the Dainik Vidarbha Andolan under the caption "Khobragadana Mat Dewoo Naka etc. etc." in Ex. 89 was a report made by him. It was a report of the meeting of the Republican Party convened by the candidate Haridas Damaji Awade. The witness was present in the meeting. It was held in the Joginagar locality of Nagpur and it was the candidate Awade who made the speech of which Ex. 89 is a report. The petitioner on his part has not cared to examine that reporter Awade to whom he referred in para 58 of his evidence, if there be such a reporter. On his own statement he came to know two or three days after the speech was delivered that some person of the name of Haridas Awale had made the report to the newspaper, but he neither cared to mention that name in his pleadings and mentioned it for the first time only in his cross-examination, nor has he made any attempt to summon that person to give evidence.

The only answer that has been given in the arguments before us to the admission made by the petitioner in Ex. 13 is that it was a mistaken statement. The only explanation given of the statement in Schedule II referring to Haridas Awale as the author is that by the use of the word "author" was meant the

reporter. We have no doubt upon the evidence that these explanations are incorrect and advanced as an after thought in order to avoid the consequences of non-joinder of the candidate. We hold that Haridas Damaji Awade or Awale referred to in the petition and the schedules appended thereto was none other than the candidate Haridas Damaji Awade.

It was then urged that assuming that the allegations of corrupt practices in paragraph 6 of the petition referred to the candidate Haridas Damaji Awade, the allegations themselves are not such as to attract the application of section 82(b). We have already reproduced paragraph 6 of the petition. It was urged that all that the allegations in that paragraph show is that systematic appeals were made either by the respondent M. S. Ancy, or with the consent of the respondent by his agents and other persons who were canvassing votes for him, to vote for the respondent and to refrain from voting for Rajabhai Khobragade on grounds of caste, race, community and religion. Even accepting the finding to which we have come that Haridas Awale in Schedule II was the candidate and that therefore the allegations in para 6 were in relation to him, it was urged that these allegations did not amount to saying that the candidate Haridas Damaji Awade carried on the propaganda or made systematic appeals as a candidate but only as an agent or other person canvassing votes for the respondent. It was urged that under the provisions of section 82(b) the allegations must be allegations which are made of corrupt practices against a candidate *qua* candidate i.e. of corrupt practices in his own interests as a candidate and that the recitals in paragraph 6 of the petition read with Schedule II did not amount to such allegations.

In our opinion, the provisions of section 82(b) do not warrant any such interpretation. The section reads as follows:

"Parties to the petition.—A petitioner shall join as respondents to his petition—

(a)

(b) any other candidate against whom allegations of any corrupt practice are made in the petition."

It may be observed that there is no qualification put on the words "any other candidate" occurring in clause (b). We do not see any reason why other meaning should be imported into the clause. Thus, the plain meaning of the clause would be that so long as allegations of corrupt practice are made in the petition against a candidate, he must be made a party to the petition. It is not necessary that the allegation must be that he committed the corrupt practices as a candidate or even that he committed the corrupt practices in his own interests.

The word "candidate" is defined in section 79(b) as follows:

"'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate."

Mr. Kukdey urged that the definition in section 79(b) is prefaced by the words "Unless the context otherwise requires" and that here the context indicates a contrary intention. The candidate Haridas Damaji Awade satisfied this definition and even though it is alleged in paragraph 6 of the petition that he carried on propaganda on behalf of the respondent for the latter's election, we do not see how, because of such an allegation, Haridas Damaji Awade would cease to fall within the definition or within clause (b) of section 82.

The contention of the petitioner in substance amounts to this that one Haridas Damaji Awade, an individual, made the appeals or carried on the propaganda on behalf of the respondent on grounds of caste, race, community or religion, and though he incidentally happens to be a candidate also, he need not be joined under clause (b) of section 82 because the allegations are made against him not as a candidate but only as an unconnected person working for the respondent or as a mere representative of the respondent. We do not think that we can accede to such an interpretation of section 82(b). On the other hand, it seems to us that the Legislature intended that a candidate guilty of corrupt practices shall be joined as a party to a petition whether he committed the corrupt practices in his own interests or in the interests of some other candidate. In conceivable cases moreover it would be extremely difficult, if not impossible, to decide whether a person who is a candidate committed corrupt practices in furtherance of his own

election or for the benefit of another candidate and therefore merely as an individual. Moreover, where the Legislature intended to limit the nature of the corrupt practice as being in the interests of the candidate himself, they have clearly said so; see for example clauses (3) and (5) of section 123. No such limitation or qualification has been laid down in section 82(b). The context therefore does not require us to construe the word "candidate" in any other sense than in section 79 (b). We therefore hold, agreeing with the Tribunal, that the person named in Schedule II against whom allegations of corrupt practices were made in paragraph 8 of the petition was the candidate Haridas Damaji Awade and that he should have been joined as a party to the petition under section 82(b) of the Act. The consequence of non-joinder is that the petition is liable to be dismissed.

We then turn to the contention raised on behalf of the appellant by Mr. Kukdey upon the objection raised as to non-joinder of the other candidate N. L. Belekar. This candidate, as we have already stated, filed his nomination but withdrew it under section 37 of the Act. His withdrawal is proved by his evidence and the fact was not disputed by the appellant. He has stated that he had filed his nomination as an independent candidate and that he withdrew it because he himself did not wish to contest the election and not because of any other candidate. This evidence has not been disputed before us. In the petitioner's reply to the objection raised by the respondent the petition admitted that the candidate N. L. Belekar had withdrawn his candidature under section 37 of the Act, but his contention was that thereby he ceased to be a candidate and therefore it was not necessary to join him as a respondent to the petition. The contention in short is that though section 82(b) speaks of any other candidate against whom allegations of corrupt practice are made in the petition, a candidate who has withdrawn his candidature under section 37 after filing his nomination ceases to be a candidate and therefore would not fall within the words "any other candidate" in clause (b) of Section 82.

Apart from the authorities to which we shall presently refer, we may here refer to certain provisions of law. Under Part V of the Act, there are prescribed five distinct stages in the conduct of elections: The first is the appointment of a date for nominations and the making of nominations; the second is the scrutiny of nominations; the third is the withdrawal of candidatures and publication of the names of candidates; the fourth is the taking of the poll; and the fifth, the counting of votes and the announcement of the result. Section 32 provides for nomination of candidates for election and indicates that any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Constitution and the Act. Therefore, so far as section 32 is concerned, it is in the contemplation of law that a person becomes a candidate for election at least at the very moment of time that he presents his nomination. We shall show presently that the definition goes farther. The person presenting a nomination paper is referred to as a candidate also in section 33 even prior to the time when he presents his nomination paper before the Returning Officer. Section 36 which provides for the scrutiny of nominations refers in sub-section (8) to "validly nominated candidates" as opposed to other candidates.

Then we turn to the provision for withdrawal of candidature. Section 37 says that "any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as may be prescribed," before the time fixed for the withdrawal of nominations. Thus, it will appear that under the Act a person who files his nomination paper as a candidate at an election and a person who withdraws under section 37 are both referred to in the Act as candidates.

We have already reproduced the definition contained in section 79(b). The words "a person who has been or claims to have been duly nominated as a candidate at any election" and certainly the words "shall be deemed to have been a candidate as from the time when with the election in prospect, he began to hold himself out as a prospective candidate" would clearly show that a person may be a candidate even prior to the filing of his nomination and even after he has withdrawn from contest by withdrawing his candidature under section 37 as the candidate N. L. Belekar has done in the instant case. No doubt, the definition would not apply to any of the sections in Part V. In terms it only applies to Parts VI, VII and VIII but we have shown above that much the same result ensues on a consideration of some of the provisions of Part V itself, which serves to reinforce our conclusions as to the interpretation of section 82(b). So far as section 82(b) is concerned a candidate who has withdrawn his candidature under section 37 must be made a party to the petition if allegations of corrupt practice are made against him in the petition.

In support of his contention that a candidate who has withdrawn under section 37 ceases to be a candidate Mr. Kukdey relied on *Kapildoo V. Suraj Narayan* (A.I.R. 1959 Patna 250). The reasons given in this case were adopted by Mr. Kukdey and he urged that having regard to the provisions of clause (a) of section 82, it is clear that the provisions of clause (b) cannot apply to a candidate who has withdrawn.

Section 82 runs as follows:

"Parties to the petition:—A petitioner shall join as respondent to his petition—

- (a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidate is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and
- (b) any other candidate against whom allegations of any corrupt practice are made in the petition."

The Patna case emphasised the words "any other candidate has been duly elected" in clause (a). It was held that these words show that the candidate must have stood for election and that a person who has withdrawn his candidature therefore cannot be a candidate within the meaning of clause (a). The further reasoning adopted by the learned Judge who delivered the judgment on behalf of the Division Bench was as follows:

"The meaning of the word 'candidate' here has to be given according to the definition given in section 79(b) with reference to the context. Similarly the words 'any other candidate' used in clause (b) must, with reference to the context of that clause itself, mean any candidate who did not withdraw his candidature under section 37 of the Act, because the question of corrupt practice practically arises only on publication of a list of contesting candidates under section 38 of the Act after the withdrawal of the candidature by any candidate under section 37 of the Act. On a proper construction of section 82 my opinion is that a candidate who had been duly nominated as a candidate at an election but has withdrawn his candidature under section 37 of the Act is not a candidate within the meaning of section 82(b) of the Act to be required to be made a party to the election petition."

"The argument thus was that if this was the requirement of clause (a), then the use of the words "any other candidate" in clause (b) must also refer to a candidate who has stood for election and has not merely withdrawn his candidature. The definition of the word "candidate" in section 79(b) is preceded by the words "unless the context otherwise requires" and that reading the provisions of section 82 as a whole, the context in which clause (b) occurs shows that the definition as contained in section 79(b) must *mutatis mutandis* be modified and be read to exclude a candidate who has withdrawn from election.

In the first place, and with the greatest respect, we are unable to see how the provisions of clause (a) of section 82 can affect the question of interpretation of clause (b) thereof. The two clauses are not *in pari material* and deal with wholly different subjects. Clause (a) refers to a particular type of petition where in addition to a prayer that the election of all or any of the returned candidates should be declared void, a further declaration is asked for that the petitioner or any other candidate has been duly elected. In such a case, all the contesting candidates other than the petitioner must be joined if the further declaration is claimed, and where no such declaration is claimed, only the returned candidates need be joined. The subject-matter of clause (b) of section 82 is however wholly different. It deals with corrupt practices and all that it requires is that where allegations of corrupt practices are made in the petition against any other candidate, that is to say, other than the petitioner, such other candidate shall be joined as a respondent. In view of this, it seems to us that it would not be possible to construe clause (a) in the light of the provisions of clause (b) and we say so with the greatest respect.

If we turn to the definition of "corrupt practices" in section 123 of the Act, it will be seen from clauses (a) and (b) of sub-section (1) that the corrupt practice mentioned in that sub-section, namely, of bribery, may be committed by a

person even before he files his nomination paper. If the interpretation for which Mr. Kukdey contends were to be accepted, all such persons, if they withdrew their candidature, need not be made parties to the petition, with the result that any corrupt practice committed by such persons would not be within the scope of an election petition. The definition in section 79(b) moreover clearly indicates that such a person would fall within the meaning of the word "candidate" and must be joined as a party under section 82(b). Nothing in the context of clause (b) of section 82 indicates that the meaning of the word "candidate" in section 79(b) must be modified. On the other hand, it seems to us that having regard to the nature of the corrupt practices mentioned in section 123, it is necessary that the meaning of the word "candidate" should extend even to persons who, to quote the wording of the definition, are persons who hold themselves out as prospective candidates, with the election in prospect.

The Allahabad High Court has in *Chaturbhuj v. Election Tribunal* (A.I.R. 1958 All. 809) taken a view contrary to that of the Patna High Court. Though it was decided earlier, we do not find that the Allahabad case was referred to by the Patna High Court, when it decided Kapildeo's case. The Allahabad High Court, has, upon a consideration of the provisions of clauses (a) and (b) of section 82 clearly held that the subject-matter of the two clauses is wholly different and that therefore clause (a) cannot be used as a guide to the interpretation of clause (b). At page 812, col. 2, their Lordships observed:

"Clearly, therefore, clause (b) of section 82 of the Act introduces the requirement or certain persons being impleaded as respondents in the petition with a purpose which is entirely different and distinct from the purpose for which persons are to be impleaded as respondents under clause (a) of section 82 of the Act or the purpose for which persons were to be impleaded as respondents in an election petition under section 82 of the unamended Act."

We are with respect unable to accept the line of reasoning adopted in the Patna case.

Reference was also made by Mr. Kukdey to a case of this Court reported in *Sitaram v. Yograjsing* (A.I.R. 1953 Bombay 293). That was however a decision given under the provisions of the Act of 1951. Under the Act of 1951 the provisions of section 82 made no distinction between a petition founded upon allegations of corrupt practice and a petition upon any other ground, nor between the nature of the reliefs claimed as in the present section. Section 82 under that Act merely provided that "a petitioner shall join as respondents to his petition all the candidates who were duly nominated at the election other than himself if he was so nominated. The provisions of section 82 as it then stood were thus wholly different from the provisions of the two clauses in the present section 82. *Sitaram's* case therefore cannot apply here. In our opinion, though the candidate N. L. Belekar had in the instant case withdrawn his candidature under section 37, he would still fall within the meaning of the words "any other candidate" in clause (b) of section 82 and the petitioner was therefore bound to join him as a respondent to the petition.

It was then urged that this objection was not raised at the proper time in answer to the petition and that the respondent must have known that N. L. Belekar had filed his nomination and had withdrawn it, and therefore he should have raised the objection when he first replied to the petition. It was urged that therefore the objection raised should not have been considered since it was raised long after the petitioner's case was closed and some of the respondent's witnesses had also been examined. The objection was first raised in the application of the respondent filed on 25-10-1959. No doubt, at that stage, the evidence of the petitioner had already concluded and four witnesses on behalf of the respondent had been examined. The objection was however raised, according to the respondent, because it was only when the candidate N. L. Belekar was examined as a witness and he stated in his evidence that he had filed his nomination and had withdrawn it under section 37 that the respondent learnt the true facts. There is nothing to show that the respondent knew of the filing of the nomination by N. L. Belekar or of its withdrawal. It was only when the candidate N. L. Belekar gave evidence which was on 20th October, 1959 that the application came to be filed on 25th October, 1959. In view of this, we do not see any serious or material defect in procedure in the Tribunal having permitted the objection to be raised. The objection was of the same nature as the objection taken that the candidate Haridas Damaji Awade had not been joined in the petition though upon slightly different facts. Moreover, the raising of the ground did not involve a consideration of any new facts. It was purely a ground of law.

and under the provisions of section 82(b) read with section 90(3) the Tribunal itself was bound to take into account the defect such as was pointed out. The provisions of section 90(3) make it the duty of the Tribunal to dismiss an election petition which does not comply with the provisions of section 82. Therefore, upon the facts coming to its notice, the Tribunal itself could have proceeded to take action under section 82(b).

We then turn to the next contention raised in appeal arising out of the non-joinder of both the candidates Haridas Damaji Awade and N. L. Belekhar. The contention raised is that the allegations in paragraph 6 of the petition are not allegations which amount to corrupt practices within the meaning of those words used in section 82(b) if read with the provisions of section 123(3) of the Act. Sub-section (3) of section 123 defines one class of corrupt practice as follows:

"The systematic appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent, to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious symbols, "or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospect of that candidate's election."

The contention is based upon the last clause occurring in this sub-section, namely, "for the furtherance of the prospects of that candidate's election". The contention is that where the systematic appeal contemplated by the section is made either by a candidate or his agent or by any other person with the consent of a candidate or his election agent, it must be an appeal for the furtherance of the prospects of that candidate's election and that the allegations in the present petition do not show that the appeals referred to in paragraph 6 of the petition were for the furtherance of the prospects of that candidate's election, meaning thereby the candidates Haridas Damaji Awade or N. L. Belekhar.

The point is a point of some importance, and it was conceded on both sides that it is not covered by authority. Omitting the words in the sub-section with which we are not concerned, an analysis of the sub-section shows three categories of individuals contemplated by whom the systematic appeal is made. Thus analysed the sub-section would run as follows:

"The systematic appeal by—

- (i) a candidate, or
- (ii) his agent, or
- (iii) by any other persons with the consent of a candidate or his election agent,

to vote or refrain from voting on grounds of caste, race, community or religion...for the furtherance of the prospects of that candidate's election".

The contention of Mr. Kukdey has been that the words in the last clause "for the furtherance of the prospects of that candidate's election" govern all the three categories of persons referred to above, namely, a candidate, his agent, or any other person, and that therefore in the present case the allegations in paragraph 6 of the petition which refer only to Haridas Damaji Awade or N. L. Belekhar having acted on behalf of the respondent as "any other person" would not amount to allegations of corrupt practice as contemplated by the section. Now, upon a perusal of paragraph 6 read with the findings which we have already reached that the persons referred to in paragraph 6 were the candidates Haridas Damaji Awade and N. L. Belekhar, there is no doubt that the allegations were that the said persons made the systematic appeals on behalf of the respondent and with the latter's consent or that they as "any other person" were canvassing votes for him and made the appeals to vote for the respondent and to refrain from voting for Rajabhai Khobragade on grounds of caste, race, community and religion.

The question however is whether the words "for the furtherance of the prospects of that candidate's election" apply to the first category mentioned in the sub-section, namely, "a candidate". It is nobody's case that the persons who made the appeals in the instant case were agent of any one else. Therefore, these persons can either fall within the first category of "a candidate" or in the third category of "any other person with the consent of a candidate or his election agent". We find great difficulty in upholding the contention of Mr. Kukdey that the words "for the furtherance of the prospects of that candidate's election"

apply also to the first category "a candidate". If the contention were upheld, the provisions of the sub-section would read:

"The systematic appeal by a candidate.....to vote or refrain from voting on grounds of caste, race community or religion.....for the furtherance of the prospects of that candidate's election."

It seems to us that upon such a construction the deliberate use of the word "that" in the latter clause of the section would become nugatory and lead to some absurdity. Thus read, the language of the sub-section becomes ungrammatical. The word "that" preceding the words "candidate's election" is a demonstrative adjective qualifying "candidate's election". As such, the simple demonstrative is used "to indicate a thing or person either as being actually pointed out or present, or as having just been mentioned and being thus mentally pointed out": see *Shorter Oxford English Dictionary*, volume II, page 2162. Therefore, the use of the word "that" can only be justified when we consider that the legislative draftsman intended to distinguish between one candidate and another or a candidate and any other person. But if the first category were alone to be considered then the use of the word "that" becomes unnecessary. It is surely bad English to say "the systematic appeal by a candidate for the furtherance of the prospects of that candidate's election". Therefore, it is clear that the last clause of sub-section (5) of section 123 cannot apply to the first category mentioned in the sub-section, namely, "a candidate". In our opinion, the last clause can only apply in the context of the sub-section to the third category mentioned in the sub-section, namely, "by any other person with the consent of a candidate or his election agent". Here the word "candidate" is used in contradistinction with his election agent and any other person, and therefore the use of the words "that candidate's election" refers to the candidate who has given his consent to another person. In such a case, the use of the demonstrative "that" would be justified and perfectly grammatical.

But apart from this construction of the sub-section which commends itself to us, we see no reason why a candidate himself should not come in the third category "any other person with the consent of a candidate or his election agent" simply because he is also a candidate. There is no doubt upon the recitals in paragraph 6 of the petition that consent of the respondent has been pleaded, as also of the respondent's agent. Therefore, that requirement of the sub-section has been fulfilled. We see no reason why a candidate should not also fall under the third category "any other person". It was urged that the sub-section itself makes a classification and divides persons making appeals into three categories, namely, a candidate, his agent, or any other person. Therefore, the word "candidate" and the word "agent" have been used in contradistinction with "any other person", and so would not be included in those words. No doubt, that would be a possible construction of the sub-section if it were not for the fact that the requirements in the case of each category of persons are different. In the case of a candidate or his agent, all that is necessary is a systematic appeal, whereas in the case of any other person, the sub-section requires an additional condition to be fulfilled, namely, that the systematic appeal must be by such other person "with the consent of a candidate or his election agent". The legislative draftsman was therefore faced with the necessity of reciting this additional condition in the case of the third category, namely, "any other person" and with the necessity of reciting such a condition we do not see how he could have stated the provision except by distinguishing between a candidate, his agent or any other person with the consent of a candidate or his election agent. It was not disputed before us that the words "with the consent of a candidate or his election agent" govern only "any other person" and not "a candidate" or "his agent".

Mr. Kukdey has urged that the reason which we have stated as the reason which impelled the draftsman to distinguish between the three categories, namely, a candidate, his agent, or any other person, in sub-section (3) of section 123, as being the necessity for providing that any other person should have acted with the consent of the candidate or his election agent, cannot prevail if we consider the sub-section as it stood in the Act before its amendment by Act No. 53 of 1938. The words "with the consent of a candidate or his election agent" were introduced by section 36 of Act No. 53 of 1958, and it was urged that in the unamended section those words were not there. Nevertheless, the distinction between a candidate, his agent, or any other person, was still there. We may point out that even in the sub-section as it stood before amendment, the same error would be apparent if the sub-section were to be analysed as we have done in the case of the amended sub-section. Except for the omission of the words "with the consent of a candidate or his election agent", the sub-section before amendment was in identical language, and we cannot see how the words in the last clause "for

the furtherance of the prospects of that candidate's election" could, even in the unamended section, possibly apply to the words "the systematic appeal by a candidate" or even to "the systematic appeal by his agent". We have already pointed out how such a construction would become ungrammatical and we think that, whether amended or unamended, the only proper construction consistent with making the text of the sub-section grammatical would be to hold that the last clause "for the furtherance of the prospects of that candidate's election" applies only to the third category, namely, any other person, and not to the first two categories, a candidate, or his agent. That the error existed in the unamended section and was not pointed out earlier would not be a ground for holding that the construction should be that the last clause would apply to all the three categories mentioned in the sub-section. The error which was obvious in the unamended section ceased to be an error after amendment once we hold that it can properly and grammatically apply to the third category, namely, any other person with the consent of a candidate or his election agent. In any case, we have already indicated that we see no reason why the candidate Haridas Damaji Awade should also not fall in the third category, namely, any other person with the consent of a candidate or his election agent.

To give the section any other interpretation would lead to several anomalies, one of them being that the candidate who is guilty of this particular corrupt practice would with impunity continue to commit the corrupt practice so long as it was not in furtherance of the prospects of his election. Similarly, his agent could continue to commit any corrupt practice referred to in this sub-section so long as it was not for the furtherance of the prospects of the election of the candidate whose election agent he was. That could not possibly have been the intention of the Legislature. The various provisions of the Act clearly indicate that special attention has been paid by the Legislature to eradicating and preventing corrupt practices in elections. Throughout, the ground of corrupt practice as vitiating elections has been dealt with on a special basis in the Act. In section 82(b) it is, as a matter of procedure, dealt with separately. Section 123 is concerned with the detailed enumeration of various classes of corrupt practices. Section 99 shows that before the Tribunal makes an order dismissing a petition where a charge of corrupt practice is preferred, the Tribunal is bound to inquire into any allegation of corrupt practice irrespective of the result of the petition. Similarly, corrupt practices entail special disqualifications as shown by sections 140 and 141. We cannot therefore think that in defining the corrupt practice in sub-section (3) of section 123 the Legislature could possibly have made a provision where a candidate or his agent committing the corrupt practice would be allowed to go unchallenged or unpunished so long as the corrupt practice mentioned in sub-section (3) was not committed by such candidate or his agent "for the furtherance of the prospects of that candidate's election". It is easy to contemplate cases where a candidate may not only work in his own interests but also in the interest of another candidate and it must be held that if, while acting even in the interests of another candidate, he commits the corrupt practice mentioned in sub-section (3) of section 123, it will fall within the definition in that sub-section.

The other requirements of sub-section (3) of section 123 are undoubtedly fulfilled by the recitals contained in paragraph 6 of the petition read with the schedules attached thereto and this was not disputed before us. Section 82(b) does not require any proof of corrupt practices. All that it requires is that allegations of any corrupt practice should be made in the petition in which case it becomes obligatory upon the petitioner to join as respondents any other candidate against whom such allegations are made. We hold that such allegations have been made in the petition and that section 82(b) was therefore attracted in the present case, and the allegations would be sufficient in law to amount to allegations of corrupt practice.

A similar contention was raised before the Madhya Pradesh High Court in relation to the provisions of sub-section (4) of section 123, which also uses a similar expression, in *Shrinivas v. R. Raman* (A.I.R. 1958 M.P. 243). Sub-section (4) of section 123 runs as follows:

"The publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election."

In the case referred to above, the last clause in sub-section (4) "a statement reasonably calculated to prejudice the prospects of that candidate's election" came up for construction before a Division Bench of that Court and the Division Bench held that the use of the word "that" in the clause referred to above intended to distinguish between two candidates and could not refer to "a candidate" mentioned in the opening clause of the sub-section. At page 245, col. 1, the Division Bench held:

"Through the word 'any' has been used and that might have included all the candidates, including the one who had published the statement, the latter part of the fourth sub-section clearly shows by its demonstrative adjective 'that' that some other candidate is meant. The sub-section, therefore, as it stands, cannot but be construed to mean that one candidate should publish a false statement in relation to the candidature of some other candidate."

It seems to us that these remarks made with reference to a construction of sub-section (4) of section 123 are equally opposite in construing sub-section (3) of that Section. In our opinion, the Tribunal rightly held that there were allegations of corrupt practice made in the petition, which allegations amount to corrupt practice within the meaning of section 82(b); that both the candidates Haridas Damaji Awade and N. J. Belekar against whom those allegations were made ought to have been joined as party respondents to the petition; and that for their non-joinder the petition is liable to be dismissed. Thus, so far as the petition itself is concerned, it is clear that it was rightly dismissed.

There then remains to be considered the argument advanced on behalf of the petitioner that it is not the petition before the Election Tribunal that should be looked at but the petition as it was received and accepted by the Election Commission. If the contention were to prevail then the questions which we have so far discussed would not arise because the amendments made cannot be looked at. But it seems to us that upon a consideration of the provisions of the Act, this contention cannot possibly be upheld. Section 85 deals with the power of the Election Commission to dismiss a petition. It states that if the provisions of section 81 or section 82 or section 117 have not been complied with, the Election Commission shall dismiss the petition. A proviso is added to this section that the petition shall not be dismissed without giving the petitioner an opportunity of being heard. So far as we can see this is the only power of dismissal that the Election Commission has *vis-a-vis* the petition. The contention advanced would have us hold that if the Election Commission does not dismiss the petition, then it becomes, so to say, a valid petition, upon which alone the trial of the election petition should further proceed. It will be seen that section 85 is part of Chapter II of Part VI of the Act. Part VI deals with disputes regarding elections, and Chapter II thereof, with presentation of election petitions to the Election Commission. We stress that Chapter II only deals with presentation and that until the stage contemplated in Chapter II is reached, the trial of the election petition does not begin. This is clear when we consider the provisions of Chapter III which is entitled "Trial of Election Petitions". Section 85 upon which reliance has been placed occurs in Chapter II, "Presentation of Election Petitions to Election Commission," and the first section in Chapter III dealing with the trial of election petitions, deals with the appointment of an Election Tribunal. It is clear therefore that it is only consequent upon the appointment of an Election Tribunal by the Election Commission that the trial of the election petition begins. What is more, section 90 provides for the procedure which the Tribunal is to follow in the trial of Election petition and sub-section (3) of section 90 confers an analogous power upon the Tribunal in almost the identical language used in conferring the self same power upon the Election Commission under section 85. Sub-section (3) of section 90 states:

"The Tribunal shall dismiss an election petition which does not comply with the provisions of section 81, section 82 or section 117 notwithstanding that it has not been dismissed by the Election Commission under section 85."

We are not concerned for the time being with the explanation added to sub-section (3). It is clear from the sub-section which we have quoted above that notwithstanding that the Election Commission allows a petition to pass to the Election Tribunal for trial, the Tribunal is entitled, or rather we should say is bound, to consider whether the provisions of section 81, section 82 or section 117 have been complied with, and if it comes to the conclusion that they have not been complied with, albeit contrary to the decision of the Election Commission, still it is bound to dismiss the petition.

Sub-section (5) of section 90 further gives power to the Tribunal to allow a petition to be amended in certain circumstances. The procedure laid down in section 90, it has been observed, provides a self-contained code for the trial of election petitions and it is clear from all these provisions that the Tribunal has complete seisin over the election petition and it is not bound by the decision of the Election Commission not to dismiss the petition under section 85. Since the power of permitting amendments has also been given to the Tribunal and in the instant case, amendments were actually sought by the petitioner and allowed at his instance, we do not see how the petitioner can now turn round and say that those very amendments should not be looked at and that the Tribunal was bound to have regard to the unamended petition as it stood before the Election Commission. The appellant himself having invoked the power of amendment and having obtained an order in his favour to amend the petition cannot now turn round and say that the amendments must be ignored and the petition read in the form in which it stood before the Election Commission.

Then we turn to a contention on behalf of the appellant which really does not affect the decision given by the Tribunal so far as this petition is concerned but is directed to showing that its findings are incomplete under law. The contention is that though the Tribunal dismissed the appellant's petition in limine on the ground that parties who ought to have been joined had not been joined, still allegations of corrupt practices had been made in the petition and it was incumbent upon the Tribunal to have decided those allegations irrespective of the fact whether the petition was dismissed or allowed. The contention is based upon the provisions of sub-section 1(a) of section 99 which runs as follows:

"Other orders to be made by the Tribunal.—(1) At the time of making an order under section 98 the Tribunal shall also make an order—

(a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording—

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election, and the nature of that corrupt practice; and

"(ii) the names of all persons, if any who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice".

It was argued that this petition was dismissed under section 98(a) which provides that at the conclusion of the trial of an election petition, the Tribunal shall make an order dismissing the election petition, and that therefore under section 99(1)(a) the Tribunal was bound to give further findings relative to the charges of corrupt practice made in the petition.

With the other powers mentioned in section 98 we are not here concerned. The present petition was actually dismissed under the powers given to the Tribunal under section 90(3) which we have reproduced above. An explanation to section 90(3) was added by section 28 of Act No. 58 of 1958. The explanation runs as follows:—

"An order of the Tribunal dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of section 98."

Thus the order under section 93(3) is now deemed to be an order under section 98(a).

Prior to the amendment there was some controversy as to whether an order passed under section 90(3) was an order under section 98(a). But even upon the unamended section, the controversy was set at rest by the decision of the Supreme Court of India in *Chandrika Prasad v. Shiv Prasad* (A.I.R. 1959 S.C. 827). In that case an election petition was dismissed under section 117 of the Act which enjoins upon the petitioner that he shall deposit a certain sum of money along with the election petition, and section 85 requires the Election Commission to dismiss the petition if the provisions of section 117 have not been complied with. The same power is given to the Tribunal under section 90(3). In *Chandrika Prasad's* case the Election Tribunal had dismissed the petition under section 90(3) on the ground that no deposit by way of security for costs had been made as required by section 117. The petitioner then filed an appeal under the provision of section 116A(1) of the Act. Section 116A(1) prescribes that an appeal shall lie from every order made by a Tribunal under section 98

or section 99 to the High Court of the State in which the Tribunal is situated. The question raised before their Lordships was that the order of dismissal under section 90(3) was not an order under section 98 and therefore no appeal would lie. The High Court had overruled the objection and had entertained the appeal and against the decision of the High Court, special leave was granted by the Supreme Court. The Supreme Court held that there could be no doubt that the order passed under section 90(3) was an order passed at the conclusion of the trial as required by section 98 and that therefore it was properly an order coming under section 98(a). Upon this authority therefore, it must be held that orders passed dismissing election petitions under section 90(3) were even prior to the amendment, orders passed under section 98(a).

Since the pronouncement of their Lordships of the Supreme Court however the explanation has come into force and, in our opinion, the explanation makes good the lacuna which necessitated the decision in the Supreme Court case. The explanation no doubt was brought into force before the decision of the Supreme Court in the case cited above, but it seems to us that it was made in order to obviate an objection such as was raised in the Supreme Court case that an order under section 90(3) as it then stood was not an order under section 98(a).

The question however still remains whether assuming that an order under section 90(3) is deemed to be an order under section 98(a), section 99 would be attracted and the Tribunal was therefore bound in the present case to give its finding upon all the other issues relating to corrupt practices.

It will be noticed that in this respect there is an apparent conflict between the provisions of section 90(3) and the provisions of section 99(1). Section 90(3) enjoins that the Tribunal shall dismiss an election petition which does not comply with the provisions of section 82. In this case, the non-compliance of section 82 was that the other candidate against whom allegations of corrupt practices were made in the petition had not been joined. But section 99(1) states that at the time of making an order under section 98, the Tribunal shall also make an order recording finding whether any corrupt practice has or has not been proved to have been committed at the election and the nature of that corrupt practice, and the Tribunal is also enjoined to state the names of all the persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that corrupt practice. This may lead to some very anomalous results. If order under section 90(3) are orders under section 98, then section 99 requires certain findings on charges of corrupt practices. This would mean that the Tribunal must pronounce on charges of corrupt practices though the parties against whom the charges are preferred are not on record and for whose absence the petition is liable to be dismissed and who may be seriously prejudiced by any decision as to their corrupt practice. Did the Legislature contemplate the possibility of charges of corrupt practice being found and the persons guilty of corrupt practices being named [Section 99(a)(ii)] in their absence and without a hearing? We cannot think that the Legislature contemplated such a result.

It seems to us that this apparent conflict between the two provisions is resolved by a consideration of the opening words of sub-section (1) of section 99 "at the time of making an order under section 98". In contrast to these words, the words used in section 98 are "At the conclusion of the trial of an election petition". It is clear from the explanation to section 90(3) that an order under section 90(3) is deemed to be an order under section 98. If an order under section 90(3) is made, it can only be an order of dismissal of an election petition.

Therefore, though it may be "deemed to be" an order under section 98, there remains no further order to be passed. The petition is already dismissed. Therefore, in such a case there can remain nothing to which the opening words of sub-section (1) of section 99 "At the time of making an order under section 98" can apply. The opening words of sub-section (1) of section 99 clearly contemplate a case where an order under section 98 still remains to be passed. But if the petition is dismissed as in the case of an order under section 90(3) there can be no further order remaining to be passed under section 98.

The same conclusion follows looking at the question from another angle. The opening words of sub-section (1) of section 99 refer to an order under section 98. But an order under section 90(3) is by virtue of the explanation not an order under section 98 but is only deemed to be an order under section 98, and it is upon this vital distinction that we find that there is no conflict between the two provisions. An order which is deemed to be under section 98 may conclude the election petition and therefore section 99 cannot be attracted in such a case.

Section 99 only applies to actual orders passed under section 98 and not to orders deemed to be under section 98, such as an order under section 90(3).

We are fortified in the view we have taken by the observations in two recent decisions of the Supreme Court of India. The first of these we have already referred to, namely, *Chandrika Prasad v. Shiv Prasad* (A.I.R. 1959 S.C. 827). At page 830 Mr. Justice Gajendragadkar delivering the judgment on behalf of the Court, remarked:

"Therefore, we think it would be reasonable to hold that, where the tribunal dismisses an election petition by virtue of the provisions contained in section 90, sub-section (3), the order of dismissal must be deemed to have been made under section 98." (This is precisely what the new explanation now lays down). "Similarly section 99(1)(b) which empowers the tribunal to fix the total amount of costs payable and to specify the person by and to whom that shall be paid in terms refers to cases where an order is made under section 98. It cannot be suggested that, where an order of dismissal is passed under section 90, sub-section (3), the tribunal cannot make an appropriate order of costs. This provision also indicates that the order passed under section 90, sub-section (3), is in law and in substance an order passed under section 98(a). It is true that in cases where such an order is passed section 99(1)(a) would not come into operation, but that can hardly affect the position that an order under section 90, sub-section (3) is nevertheless an order under section 98".

(Underlining is ours).

It was urged that the words which we have underlined do not constitute the *ratio decidendi* of the case and that at most those remarks were *obiter*. But with the greatest respect; in our opinion, even the *obiter dicta* of the Supreme Court are binding upon us. This is already settled so far as this Court is concerned, *vide* *Narayanlal v. Maneck Phoroze* (A.I.R. 1959 Bombay 320 at p. 327) and also the remarks of their Lordships of the Supreme Court in *I.T. Commissioner v. Vizir Sultan and Sons* (A.I.R. 1959 S.C. 814) though the latter remark is also an *obiter dictum*.

The precise question which arose before us was not before their Lordships of the Supreme Court in the case cited above, but it arose in a more pointed form before them in a subsequent case reported in *O. P. Jain v. Gian Chand* (A.I.R. 1959 S.C. 837). That was also a case where the petition was dismissed for not depositing the security under section 117. But a contention was advanced in the form in which it is advanced before us that when a petition contains a charge of corrupt practice and is dismissed under the powers contained in section 90(3), the Tribunal was bound to give a finding whether the commission of corrupt practice had or had not been proved. Their Lordships answered the contention as follow:

"It is contended that such a position would be senseless for it would prevent the Tribunal from ever disposing of an election petition summarily on a preliminary ground. Therefore it is said that all orders dismissing an election petition are not orders under section 98 and that supports the view that an order under section 90(3) is not an order under section 98. We are not impressed by this argument. If the proper construction of section 99 is that an election petition cannot be dismissed on a preliminary point raised under section 90(3) where it contains charges of corrupt practices having been committed, as the learned counsel for the appellant contends, that construction must have effect however senseless it may appear. Suppose an election is sought to be avoided on the grounds, that the returned candidate was not qualified or that one of the nomination papers had been improperly rejected and also on the ground of corrupt practices having been committed by the returned candidate, all of which are good grounds for setting aside an election under section 100 of the Act. In such a case too, if the construction put upon section 99 by the learned counsel for the appellant is right the Tribunal cannot allow the petition on any one of the first two grounds, which it could have done after a very summary trial, but must proceed to decide the charges of corrupt practice alleged. This can be said to be equally senseless as where having dismissed a petition for non-compliance with section 117 the Tribunal is made to record a finding on the corrupt practices alleged. On the other

hand, if it is not senseless in one case it is not senseless in the other. We do not therefore find much force in the argument based on an interpretation of section 99 supposed to produce senseless results."

That was also a case to which the Explanation to section 90(3) did not apply. It was decided on the law as it stood before amendment. The Explanation now clearly lays down that an order dismissing an election petition under section 90(3) shall be deemed to be an order made under clause (a) of section 98. Now, when it is said in the Explanation that orders under section 90(3) shall be deemed to be orders under section 98, it is clear that the Legislature did not regard them as orders under section 98. Otherwise, there was no need to enact the fiction. The meaning and effect of such fiction and of the words "deemed to be" has been construed in several cases. We need only refer to two of these: *People's Own Provident & Gen. Insurance Co. v. Guracharya* (47 Bom. L.R. 852) and *Sawatram Ramprasad Mills Co. Ltd. v. Vishnu* (I.L.R. 1949 Nagpur 905).

Mr. Bobde on behalf of the respondent referred to a number of cases in all of which allegations of corrupt practices were made, but the issues as to corrupt practices were not tried and the petition was dismissed in limine under the provisions of section 90(3). These cases are *Y. B. Chavan v. K. T. Mangalmurti* (A.I.R. 1958 Bom. 397); *K. Kamaraja Nadar v. Kunju Thevar* (A.I.R. 1958 S.C. 687); and *Chandrika Prasad v. Shiv Prasad* (A.I.R. 1959 S.C. 827). It is always unsafe to attempt to deduce a principle because a relevant point was not taken in several decided cases. It may be that in the cases referred to above the contention was not raised but we can hardly hold for that reason that the contention is necessarily unsound. We would prefer to found our decision to reject the contention on more logical grounds.

There is one other point upon which the interpretation which we have thought fit to place upon the provisions of sections 98 and 99 can be supported. Sub-section (3) of section 90 was substituted for sub-section (4) of section 90 of the old Act. The explanation to sub-section (3) as it stands today was added by section 28 of Act No. 58 of 1958. The former sub-section (4) which contained analogous provisions was as follows:—

"Notwithstanding anything contained in section 85 the Tribunal may dismiss an election petition which does not comply with the provisions of section 81, section 83 or section 117."

It will be noticed that the important change was to substitute the word "shall" in sub-section (3) for the word "may" in the former sub-section (4) and to add the further clause "notwithstanding that it has not been dismissed by the Election Commission under section 85" at the end of the sub-section. This power which was formerly discretionary has now been made mandatory. Now, it is curious that notwithstanding these vital changes in sub-section (3) of section 90 and the addition of an explanation making the orders under that sub-section as being fictional orders under section 98(a), the provisions of section 98 and 99 have remained the same. Thus, when sections 98 and 99 were originally enacted, it was clear that section 99 only applied to orders as such passed under section 98 and to no other orders. Though by the present explanation to sub-section (3) of section 90, order under that sub-section are deemed to be orders under section 98, no alteration was made in the language of section 99 in order to make provisions for such fictional orders. It seems to us that this was advisably done because it could not have been the intention of the Legislature to treat such fictional orders as being orders under section 98 referred to under section 99. This further supports the view which we have taken. We hold therefore that it was not necessary for the Tribunal to have given findings on the issues as to corrupt practices in the present case.

At the fag end of the arguments in appeal, an oral request was made to us to permit amendment of the petition. It was urged that the petition is being dismissed because of a technical plea of non-joinder and it is not just to the petitioner nor in the interests of the public that it should fail in this manner. It was urged that even at this stage it is open to this court to permit the joinder of the necessary parties. All this could well have been done before the Tribunal itself, but there, as we have already pointed out, though the petitioner was aware of the objection, he merely stated that he had no objection to joining Haridas Damaji Awade but till the end did not apply for his joinder or of the other

candidate N. L. Belekar. We think that it is now too late at the stage of appeal to permit any such joinder.

The appeal fails and is dismissed with costs.

By the Court,
(Sd.) S. R. BHAVE,
Addl. Special Officer.

[No. 82/5/59.]

By order,
C. B. LAL, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 28th July 1960

S.O. 1968.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958 published as S.O. 2614 in the Gazette of India dated the 20th December, 1958 namely:—

Amendment No. 62

In the said Rules, clauses (b) and (c) of sub-rule (8) of rule 8 may be substituted as under:—

“(b) so as to augment the provision under the primary units ‘pay of officers’ and ‘pay of establishment’ taken together for the entire grant or appropriation;”

“(c) subject to the provisions of clause (b), between the primary units under which provision is made for a scheme which involves augmenting the provision under any such unit by more than 5%, provided that the consent of the Finance Ministry shall not be required in cases where such augmentation does not exceed rupees one lakh; and”

[No. F. 12(42)-E.II(A)/60.]

New Delhi, the 2nd August 1960

S.O. 1969.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958 (published as S.O. 2614 in the Gazette of India dated the 20th December, 1958) namely:—

Amendment No. 63

In Schedule I to the Rules, under ‘C’ Ministry of External Affairs the existing entry “Adviser to the Governor of Assam for Tribal Areas, Shillong” may be substituted by the following entry:—

“3. Commissioner, North East Frontier Agency, Shilloing.”

(This amendment takes effect from 1st April, 1960).

[No. F. 19(7)-E.II(A)/60.]

S.O. 1970.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958 (published as S.O. 2614 in the Gazette of India dated the 20th December, 1958), namely:—

Amendment No. 64

I. Substitute the following for the existing rule 9 of the Delegation of Financial Powers Rules 1958:—

“9. *Creation of posts.*—(1) Notwithstanding anything contained in these rules, no post shall be created.

(a) in the Secretariat Office of a Department of the Central Government unless there exists in that office a post of a similar character on a rate or scale of pay which has been approved by the President. In cases where there are two or more Departments under a Ministry, 'office' means the Secretariat office of the Ministry as a whole;

(b) in any other office, which is under the control of a Head of Department, unless there exists in the same or any other office under that Head of Department a post of similar character on a rate or scale of pay approved by the President;

(c) in any other office which is under the direct control of a Department of the Central Government, unless there exists in that office a post of similar character on a rate or scale of pay approved by the President;

(d) in contravention of the instructions regulating staff composition and work standards;

(e) unless funds to meet the cost of the post, if temporary, can be found by valid appropriation or re-appropriation from within the provision placed at the disposal of the authority concerned;

(f) permanently, unless permanent recurring saving is available to meet its cost or funds have been specifically included in the budget for the purpose.

(2) The power conferred on a subordinate authority to create permanent or temporary posts shall not, unless otherwise directed by the President, be exercised in respect of any service unless that service is under the control of that authority:

Provided that the provisions of this sub-rule will not be applicable to posts borne on the cadres of the Central Secretariat Service, the Central Secretariat Stenographers' Service and the Central Secretariat Clerical Service. The competent authorities may create posts but their inclusion in the Central Secretariat Service, Central Secretariat Stenographers' Service, Central Secretariat Clerical Service, will be subject to the provisions of the respective Service Schemes.

(3) Notwithstanding anything contained in clause (b) of sub-rule (1), an Administrator of a territory specified in column 1 of the table below may also create a post in such territory on a rate or scale of pay applicable to a post carrying similar or equal duties and responsibilities in the State shown against that territory in column 2 of the said table:

Provided that such post shall not be created on such rate or scale of pay if there exists in the same territory a post of the same character, the rate or scale of pay of which has been approved by the President.

THE TABLE

Territory	State
(1)	(2)
Himachal Pradesh	Punjab
Delhi	Punjab
Manipur	Assam
Tripura	West Bengal
North East Frontier Area	Assam
Naga Hills-Tuensang Area }	

II. In Schedule III of the Delegation of Financial Powers Rules 1958, the existing entry relating to the powers of 'other Departments' of the Central Government for creation of posts may be substituted by the following:—

- "(ii) Other Departments. Posts in Class I Service on pay less than Rs. 2,250/- per mensem in the prescribed scale (or rupees 3,000/- if the post carries a pre-1931 scale) other than posts in the Finance Branch of the Department and posts in the scale of Rs. 1,800—100—2,000. Any specified period.

NOTE:—Where a post is sanctioned on a time scale the maximum of the time scale should be taken as pay for the purpose of this entry.

Posts in class II, class III and class IV Any specified services other than posts in the Finance period." Branch of the Department.

[No. F. 12(70)-E.II(A)/60.]

C. R. KRISHNAMURTHI, Dy. Secy.

(Department of Expenditure)

New Delhi, the 29th July 1960

S.O. 1971.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following further amendments in the Civil Service Regulations, namely:—

1. These regulations may be called the Civil Service (Amendment) Regulations, 1960.

2. In the Civil Service Regulations,—

(a) In Form 30,—

(1) for item (ii) of paragraph 3, the following shall be substituted, namely:—

"(ii) two copies of a passport size photograph of mine also duly attested;"

(2) the first foot-note shall be omitted.

(b) In Form 26, for item 7 of the List of Enclosures, the following shall be substituted, namely:—

"7(a) Two specimen signatures, duly attested or in the case of persons not literate enough to sign their names, two slips bearing the left hand thumb and finger impressions, duly attested; and

(b) two copies of passport size photograph duly attested."

[No. F. 25(31)-EV/60.]

New Delhi, the 1st August 1960

S.O. 1972.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following further amendment in the Contributory Provident Fund Rules (India), namely:—

1. These rules may be called the Contributory Provident Fund (Amendment) Rules (India), 1960.

2. In the Contributory Provident Fund Rules (India) in rule 11, the following proviso shall be added to sub-rule (3) namely:—

"Provided that where there has been a delay in the drawal of pay or leave salary and allowances of a subscriber and consequently in the recovery of his subscription towards the Provident Fund, the interest on such subscriptions shall be payable from the month in which the pay or leave salary of the subscriber was due under the rules, irrespective of the month in which it was actually drawn."

[No. F. 52(16)-EV/60.]

D. D. BHATIA, Dy. Secy.

(Department of Expenditure)*New Delhi, the 2nd August 1960*

S.O. 1973.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following further amendment in the Fundamental Rules, namely:—

In rule 45-A of the said Rules, in clause IV(b)(i) the following provisos shall be inserted, namely:—

“provided that in respect of officers who draw pay in a revised scale under the Central Civil Services (Revised Pay) Rules, 1960, and whose emoluments are below Rs. 150/- per mensem, rent shall be recovered on the basis of standard rent or $7\frac{1}{2}\%$ of emoluments, whichever is the less;

provided further that in respect of officers in receipt of emoluments of Rs. 150/- per mensem and above in a revised scale under the Central Civil Services (Revised Pay) Rules, 1960, the net emoluments after deduction of rent shall not be less than Rs. 137·82 nP.”

2. This amendment shall be deemed to have effect from the 1st July, 1959.

[No. 8(13)-60-Estates.]

G. S. BHASIN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 4th August 1960

S.O. 1974.—Statement of the Affairs of the Reserve Bank of India, as on the 29th July, 1960.

BANKING DEPARTMENT

Liabilities	Rs. *	Assets	Rs.
Capital paid up	5,00,00,000	Notes	34,40,53,000
Reserve Fund	80,00,00,000	Rupee Coin	1,78,000
National Agricultural Credit (Long-term Operations) Fund	40,00,00,000	Subsidiary Coin	4,37,000
National Agricultural Credit (Stabilisation) Fund	5,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal	
(a) Government		(b) External	
(1) Central Government	67,04,96,000	(c) Government Treasury Bills	31,70,29,000
(2) Other Governments	22,61,76,000	Balances held abroad*	25,22,23,000
(b) Banks	124,73,89,000	Loans and Advances to Governments**	30,52,33,000
(c) Others	138,18,66,000	Other Loans and Advances†	112,28,94,000
Bills Payable	13,62,99,000	Investments	258,85,26,000
Other Liabilities	10,06,98,000	Other Assets	13,23,51,000
Total	506,29,24,000	Total	506,29,24,000

*Includes Cash and Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 9,12,30,000/- advanced to scheduled banks against usance bills under Section 17 (4)(c) of the Reserve Bank of India Act.

Dated the 3rd day of August, 1960.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 29th day of July 1960.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . .	34,40,53,000		A. Gold Coin and Bullion:—		
Notes in circulation . . .	1793,99,58,000		(a) Held in India . . .	117,76,03,000	
Total Notes issued . . .		1828,40,11,000	(b) Held outside India . . .	..
			Foreign Securities . . .	128,00,89,000	
			TOTAL OF A . . .		245,76,92,000
			B. Rupee Coin . . .		131,06,08,000
			Government of India Rupee Securities . . .		1451,57,11,000
			Internal Bills of Exchange and other commercial paper . . .		..
TOTAL LIABILITIES . . .	..	1828,40,11,000	TOTAL ASSETS . . .	..	1828,40,11,000

Dated the 3rd day of August, 1960.

H. V. R. IENGAR,
Governor.

[No. F 3(2)-BC/60.
A. BAKSI, Jt. Secy.

(Department of Revenue)**INCOME-TAX ESTABLISHMENTS***New Delhi, the 2nd August 1960*

S.O. 1975.—Consequent on his posting as Income-tax Officer in the charge of the Commissioner of Income-tax, Gujrat, the powers conferred on Shri H. K. Sajani by the Ministry of Finance (Department of Revenue) Notification No. 13/F.2/5/58-Ad. IX, dated the 16th June, 1958, are hereby withdrawn.

[No. 225.]

S.O. 1976.—Consequent on his posting as Under Secretary, Central Board of Revenue and *ex-officio* Under Secretary in the Ministry of Finance (Department of Revenue), the powers conferred on Shri M. U. Reddy, by the Ministry of Finance (Revenue Division) Notification No. 122-Headquarters Establishments, dated the 31st August, 1955, are hereby withdrawn.

[No. 226.]

D. SUBRAMANIAM, Dy. Secy.

CENTRAL BOARD OF REVENUE**INCOME-TAX***New Delhi, the 9th August 1960*

S.O. 1977.—In exercise of the powers conferred by sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) the Central Board of Revenue hereby makes the following further amendments to its notification SO-660 No. 35-Income-tax, dated the 22nd April, 1958, namely:—

In the Schedule annexed to the said notification under the sub-head "III-Bihar & Orissa" against:—

(a) Jamshedpur Range, Jamshedpur: after the existing entry, namely, "3. Baripada Circle, Baripada" the following entries shall be added, namely,

"4. Puri Circle, Puri".

"5. Salaries Circle, Puri".

(b) Cuttack Range, Cuttack: the existing entries, namely, "3. Puri Circle, Puri" and "6. Salaries Circle, Puri" shall be deleted and subsequent entries shall be remembered as "3", "4" and "5".

The above amendments shall come into force from the 20th August, 1960.

Explanatory Note

NOTE.—The amendments have become necessary on account of the reorganisation of the appellate ranges in the charge of the Commissioner of Income-tax, Bihar & Orissa, Patna.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 81 (F. No. 50/3/60-IT).]

D. V. JUNNARKAR, Under Secy.

THE MADRAS CENTRAL EXCISE COLLECTORATE, MADRAS*Madras, the 18th July 1960*

S.O. 1978.—In exercise of the powers conferred on me by Rule 233 of the Central Excise Rules, 1944, I hereby make the following amendment in the form of Register I (P.T.I.) prescribed in this Collectorate Notification C. No. VIa/21/101/58 CE. (Pol) dated 12th July 1958, namely:—

(i) In the Register prescribed to show Processing of Textiles, *viz.*, Register I (P.T.I.), an additional column "goods under processing", after column

17 of the register may be inserted as column No. 18 and the existing column Nos. 18 to 35 may be suitably renumbered as Columns No. 19 to 36.

(ii) Insert the following as footnote No. 5 to the Register I (P.T.I.).

"Progressive totals of figures in Columns 12 to 14 (goods issued for processing) and Columns 19 to 26 as renumbered (production of processed loose fabrics) should be entered in the register at the end of each month under the monthly totals.

[No. C.VI/a/21/84/59 Ex.Pol.]

D. R. KOHLI,

Collector.

COLLECTORATE OF CENTRAL EXCISE: CALCUTTA & ORISSA

CENTRAL EXCISE

Calcutta, the 30th July 1960

S.O. 1979.—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, I hereby make the following amendments to this Collectorate Notification No. 1/60 dated 1st April 1960, namely—

(a) Delete the rule '96(O)' appearing in column 3 against the entry at Sl. No. 3:

(b) Insert the following in Columns 3 & 4 against the entry at Sl. No. 3—

(i) 96(O).....Cases of delay in the matter of presentation of the A.S.P. form for a period exceeding 15 days over the Statutory period, vide rule 96-O(4), shall be referred to the concerned Assistant Collector.

(ii) 96(Q).....The power of condonation of delay in filing A.R. 7 and/or making weekly deposits by 5 days only shall be exercised by the Superintendent under rule 96-Q(2).

[No. 6/1960.]

S. P. KAMPANI, Collector.

OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE & LAND CUSTOMS, GOA FRONTIER DIVISION, BELGAUM

NOTICES

Belgaum, the 30th July 1960

S.O. 1980.—Whereas it appears that the goods as mentioned in the under-mentioned table seized in the vicinity of the Indo-Goa border, were imported by Sea from Goa (Portuguese Possession in India) in contravention of the Rules and Notifications as mentioned against each.

Sl. No.	Date of seizure Place of seizure	By whom detected	Description of goods	Quantity	Rules contravened.
1.	5th May 1960 Honawar Creek	Inspector C. Ex. L.C. H. Squad Honawar and s aff	Goa country liquor found in Toney	18 Khujas 6 bottles No. HNR 9194 with equipments	The Govt. of India, Ministry of Finance (C.R.) Notification No. 2/Camp/Cus dt. 26-1-46 issued under Section 19 of the Sea Customs Act 1878.

Now, therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of C. Ex. and Land Customs, Goa Frontier Division, Belgaum why the abovementioned goods should not be confiscated under Section

5(3) of the Land Customs Act, 1924 read with Section 187(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act 1924 read with Section 187(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the abovementioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-151/60.]

Belgaum, the 3rd August 1960

S.O. 1981.—Whereas it appears that the goods as mentioned in the undermentioned table seized in the vicinity of Indo-Goa border, were imported from Goa (Portuguese Possession in India) in contravention of the Rules and Notifications as mentioned against each.

S. No.	Date & Place of seizure	By whom detected	Description of goods	Quantity	Rules contravened
200/60	27-6-1960 at Varka Chi Mala-Var in Man Jungles.	S.R.P. Staff Simachi Out-Post.	7 O'Clock Blades.	6800 Nos.	Sec. 5 (1) of the Land Customs Act, 1924 and Govt. of India, Ministry of Commerce and Industry Import Control Order No. 17/55, dt. 7-12-1955 issued under Sections 3(a) & 4-A of the Imports and Exports Control Act, 1947 and deemed to have been issued under Section 19 of the Sea Customs Act, 1878.
201/60	16-6-1960 at Simau of Talekhol and Pikula.	Sub-Insp. of Customs & C. Excise, Chowkey No. 59	Cloves in 8 head-1	21½ Srs. 19 Srs. 20 Srs. 20½ Srs. 23½ Srs. 20½ Srs. 19½ Srs. 19½ Srs.	

Now therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Central Excise and Land Customs, Goa Frontier Division, 71, Club Road, Belgaum why the abovementioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Sec. 167 (8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924, read with Sec. 167(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the abovementioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII (b) 10-200-201/60.]

E. R. SRIKANTIA, Asstt. Collector.

THE MYSORE COLLECTORATE OF CENTRAL EXCISE: BANGALORE

Bangalore, the 1st August 1960

S.O. 1982.—Under powers conferred on me by rule 233 of the Central Excise Rules, 1944, I hereby require manufacturers of Electric Motors to attach to each

motor immediately after manufacture rating plates containing the following particulars.

- (i) 3 phase or Single phase.
- (ii) Type.
- (iii) Horse power.
- (iv) R.P.M. (speed).
- (v) Volts.
- (vi) AMPs.
- (vii) Serial Number of motor.
- (viii) Name of manufacturer.

2. The manufacturers are also required to indicate these particulars also on the dealwood boxes in which the motors are packed. In case they have their own code words/letters/figures for these particulars they may use such code words/letters/figures on the deal wood boxes instead of furnishing the particulars. They should however in that case make available to the Factory Officer the list of code words/letters/figures used by them on the packages.

[Issued from File C. No. IV(16)316/60B.1.]

[No. 12/60.]

A. R. SHANMUGAM,
Collector.

MINISTRY OF COMMERCE & INDUSTRY

ORDERS

New Delhi, the 5th August, 1960

S.O. 1983/IDRA/6/1.—In exercise of the powers conferred by section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints the following persons to be members of the Development Council for Bicycles, Sewing Machines & Instruments established by the order of the Government of India in the Ministry of Commerce & Industry No. S.O. 1740/IDRA/6/1 dated the 7th July, 1960 for the scheduled Industries engaged in the manufacture and production of Bicycles, Sewing Machines & Instruments till the 6th July, 1962 and directs that the following amendment shall be made in the said Order, namely:—

- (a) In paragraph 1 of the said Order after entry No. 18 relating to Shri B. S. Sindhu, the following entry shall be inserted, namely:—

“18A. Shri S. C. Banerjee, “Technical Knowledge” Member”.
Development Officer,
Development Wing,
New Delhi.

- (b) In paragraph 1 of the said Order after entry No. 20 relating to Shri G. N. Murthy, the following entry shall be inserted, namely:—

20A. Shri J. P. Mehrotra, Deputy “Consumers” Member”.
Director (Engg) Indian Standards
Institution, Manak Bhavan, 9,
Mathura Road,, New Delhi.

[No. 1(1)IA(IV)/60.]

New Delhi, the 9th August, 1960

S.O. 1984/IDRA/6/17.—In exercise of the powers conferred by section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints the following persons to be members of the Development Council established by the order of the Government of India in the Ministry of Commerce and Industry S.O. No. 2830 dated the 17th December, 1959 for the scheduled industries engaged in the manufacture or production of

Paper, Pulp and Allied Industries till the 16th December, 1961 and directs that the following amendment shall be made in the said Order namely:—

In paragraph 1 of the said Order after entry No. 17A relating to Shri N. G. Ardeshir, the following entries shall be inserted, namely:

"17B. Chief Controller of Printing & Stationery, 'B' Barracks, Conzon Road, New Delhi.	'Consumers'	Member
"17C. Director of Supplies (STV Div) Directorate General of Supplies & Disposals, New Delhi.	—Go—	Member

[No. 4(72)IA(IV)/59].

D. HEJMADI, Dy. Secy.

(Office of the Deputy Chief Controller of Imports & Exports)

(Central Licensing Area)

NOTICE

New Delhi, the 16th July 1960

S.O. 1985.—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel the Import Licence No. A-817627/59/AU/CCI/D dated 21st March 1960 valued at Rs. 8,140/- for import of Radio Parts from Soft Currency Area except South Africa, granted by the Deputy Chief Controller of Imports & Exports (Central Licensing Area), New Delhi to M/s. Moris Radio Corporation, Bazar Sheikhan, Jullundur City, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi within ten days of the date of issue of this notice by the said M/s. Moris Radio Corporation, Bazar Sheikhan, Jullundur City, or any bank, or any other party, who may be interested in it.

2. In view of what is stated above, M/s. Moris Radio Corporation, Bazar Sheikhan, Jullundur City or any bank, or any other party, who may be interested in the said licence No. A-817627/59/AU/CCI/D dated 21st March 1960 are hereby directed not to enter into any commitments against the said licence and return the same immediately to the Deputy Chief Controller of Imports & Exports (Central Licensing Area), Shahjahan Road, New Delhi.

[No. DCCI/PS/87/60.]

V. C. NAIDU,

Deputy Chief Controller.

(Office of the Chief Controller of Imports & Exports)

ORDER

New Delhi, the 27th July 1960

S.O. 1986.—Whereas, the Director, Department of Chemical Technology, University of Bombay, Matunga Road, Bombay-19 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 250/I(2)/HQ/59/2229, dated 10th June 1960, proposing to cancel Licence No. A908900/58/AU/CCI/HQ, dated 9th March 1959, valued at Rs. 16000/- for the import of Annick's Universal Laboratory Dyeing Plant complete with all accessories and spares, from Belgium, granted by the Chief Controller of Imports and Exports, New Delhi to the said Director, Department of Chemical Technology, University of Bombay, Matunga Road, Bombay-19 the Government of India, in the Ministry of Commerce and Industry, in exercise of the powers conferred by clause 9 of the Imports (Control) Order 1955, hereby cancel the said licence No. A 908900/58/AU/CCI/HQ, dated 9th March 1959, issued to the said Director, Department of Chemical Technology, University of Bombay, Matunga Road, Bombay-19.

[No. 250/I(2)/HQ/59/2881.]

D. D. BHARGAVA,

Deputy Chief Controller for Chief Controller.

(Department of Company Law Administration)

New Delhi, the 4th August 1960

S.O. 1987.—In exercise of the powers conferred by clause (a) of Sub-section (1) of Section (1) of Section 448 of the Companies Act, 1956 [(1) of 1956], the Central Government hereby appoints Shri Manilal L. Sheth, an Advocate, to be the Official Liquidator attached to the Madhya Pradesh High Court, *vice* Shri M. K. Sharma, with effect from the date he assumes charge of the post.

[No. 15/58/59-CL.III.]

S. K. MAITRA, Under Secy.

(Indian Standards Institution)

New Delhi, the 1st August 1960

S. O. 1988.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule here to annexed, have been established during the period 16th July to 31st July 1960.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1.	IS: 929-1959 Specification for Hook Ladder for Fire-Fighting Purposes.	..	This standard lays down the requirements regarding material, design, construction, workmanship and finish and tests of hook ladder for fire-fighting purposes. (Price Rs. 2.00.)
2.	IS: 1434-1959 Specification for Counter Machines.	..	This standard covers the requirements for counter machines. (Price Rs. 1.50)
3.	IS : 1450-1959 Specification for Handloom Cotton Floor Durries.	..	This standard prescribes constructional details and other particulars of four varieties of handloom cotton floor durries. (Price Rs. 2.00).
4.	IS: 1477 (Part I)-1959 Code of Practice for Finishing of Iron and Steel in Buildings: Painting and Allied Finishes.	..	This code of practice covers operations and workmanship for the finishing of iron and steel in buildings with paints or other organic coatings. (Price Rs. 6.00).
	Part I Operations and Workmanship.		
5.	IS: 1543-1960 Specification for Single Cylinder Fuel Injection Pumps.	..	This standard covers the requirements for three types of single cylinder constant stroke, fuel injection plunger pumps without integral canshafts. (Price Rs. 2.00).

(1)	(2)	(3)	(4)
6.	IS: 1545-1960 Specification for Solid Drawn Copper Alloy Tubes,	..	This standard covers the requirements for solid drawn tubes of the following alloys of copper, of outside diameters 5 to 40 mm. inclusive, for use in condensers, heaters and coolers :
<i>Designation</i>			
			(a) Brass (70/30) ISBT 1
			(b) Brass (70/29/1) . ISBT 2
			(c) Aluminium Brass . ISABT
			(d) Aluminium Bronze . ISABZT
			(Price Rs. 2.00).

Copies of these Indian Standards are available for sale with the Indian Standards Institution, "Manak Bhavan", 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) 232 Dr. Dadabhai Naoroji Road, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1, and (iii) 2/21 First Line Beach, Madras-1.

[No. MD/13 : 2.]

New Delhi, the 2nd August 1960

S.O. 1989.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that three licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the licence	Relevant Indian Standard
		From	To			
1.	CM/L-12 24-7-1956.	1-8-60	31-7-63	Messrs. Jayant Metal Manufacturing Company, 924-A Sayani Road, Bombay 28.	Hard-Drawn Copper Solid and Stranded Circular Conductors for Overhead Power Transmission Purposes.	IS: 282-1951 Specification for Hard-Drawn Copper Solid and Stranded Circular Conductors for Overhead Power Transmission Purposes (<i>Tentative</i>).
2.	CM/L-133 15-7-1959.	1-8-60	31-7-61	The Travancore Sugar and Chemicals Ltd., Tiruvalla, Central Travancore, Kerala State.	Rectified Spirit, Grade 'A'.	IS: 323-1952 Specification for Rectified Spirit.
3.	CM/L-134 15-7-1959.	1-8-60	31-7-61	M/s. Motor Industries Co. Ltd., No. 22, Bannerghatta Road, Adugodi, Bangalore-1.	14mm, Sparking Plugs.	IS: 1063-1957 Specification for 14mm Sparking Plugs.

[No. MD/12:67].

S.O. 1990.—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

THE SCHEDULE

Serial No.	No. and Title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)	(4)
1	IS : 781-1959 Specification for Sand-Cast Brass Screw-Down Bib Taps and Stop Taps for water services.	S.O. 880, dated 9 April 1960	In Figure 1 at page 3, please read the following captions for the existing ones : 1A Stop Tap 1B Bib Tap FIG 1 COMPONENT PARTS OF STOP TAP AND BIB TAP.
2	IS : 1164-1958 Specification for Cocoa-Powder	S.O. 567, dated 14 March 1959.	In Appendix D at page 5, please read the following for the existing matter of item D-2 and its clauses: 'D-2 REAGENT' D-2.1 Petroleum Ether—re-distilled below 60°C.'
3	IS : 1239-1958 Specification for Mild Steel Tubes and Tubulars.	S.O. 2834, dated 26 December 1959.	(i) In clause 10.1.1, second sentence, please delete reference to col. (5) and (6). (ii) In Table I, col. 11, page 5, under inch sizes, against 'Nominal Bore, 3 in.' please read ' $2\frac{13}{16}$ ' for ' $2\frac{13}{32}$ '. (iii) In Table VIII, col. 3, page 12, under inch sizes, against 'Nominal Bore, $2\frac{1}{2}$ in.', please read ' $3\frac{1}{2}$ ' for ' $3\frac{1}{4}$ '.
4	IS: 1362-1959 Dimensions for Screw-Threads for General Purposes (Diameter Range 0.25 to 39 mm).	S.O. 357, dated 13 February 1960.	In Table VI, col. 14, page 11, against 'Designation M 14 × 1.5', please read '12.376' for '11.376'.

(1)	(2)	(3)	(4)
5 IS: 1370-1959 Specification for Friction Surface Rubber S.O. 613, dated 12 March 1960. In the last row of Table I at page 4, please read the following for the existing entries :			
Pulley Widths mm	Nominal Belt Widths mm	Tolerance on widths mm	Nominal Belt Thicknesses in mm
	Inch sizes according to present usage		5 6.5 8 10 12
(1)	(2)	(3)	(4)
675	..	24	..

Copies of these errata slips are available, free of cost, with the Indian Standards Institution, "Manak Bhavan", 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) General Assurance Building, 232, Dr. Dadabhoi Naoroji Road, Fort, Bombay-1, (ii) P-11, Mission Row Extension, Calcutta-1, and (iii) 2/21, First Line Beach, Madras-1.

[No. MD/13:6.]

S.O. 1991.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that 3 licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Serial No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article Process covered by the Licence	Relevant Indian Standard
		From	To			
1	CM/L-205 20-7-1960	1-8-1960	31-7-1960	M/s. Kaira District Cooperative Milk Producers' Union Ltd., Anand (W.R.) Kaira District, Gujrat State.	Milk Powder (Whole and Skim)	IS : 1165-1957 Specification for Milk Powder (Whole and Skim).
2	CM/L-206 20-7-1960	20-7-1960	19-7-1961	M/s. Imperial Chemical Industries (India) Pvt. Ltd., 'H' Shed Factory, Grain Depot, Sewri, Bombay.	BHC Dusting Powders	IS : 561-1958 Specification for BHC Dusting Powders (Revised).
3	CM/L-207 20-7-1960	1-8-1960	31-7-1961	The Renown Biscuit Co., Connaught Road, Near Victoria Gardens, Bombay-27.	Biscuits (excluding Wafer Biscuits).	IS : 1011-1957 Specification for Biscuits (excluding Wafer Biscuits).

[No. MD/12377.]

S.O. 1992.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1	IS: 5-1955 Colours for Ready Mixed Paints.	S.R.O. 641, dated 17 March 1956.	Amendment No. 1 May 1960.	For Indian Standard colour No. 536, please read 'No. 536 Fire Red' for 'No. 536 Poppy'.	15th August 1960.
2	IS: 677-1955 Specification for Cloth, Drab, Mixture, Woollen (Water Resistant), No. 1.	S.R.O. 774, dated 9 April 1955.	Amendment No. 2 June 1960.	(i) Existing clause No. 5.7 has been deleted and substituted by a new clause. (ii) Sub-clause 5.7.1 has been deleted. (iii) In sub-clause 5.9.1, line 3 substitute 'Appendix B' for 'Appendix A'. (iv) In sub-clause 5.10.1(a), line 2, substitute 'Appendix C' for 'Appendix B'. (v) Re-designate the existing 'Appendix A' as 'Appendix B' and substitute 'B' for 'A' in all item and clause numbers of the Appendix. (vi) A new Appendix A has been added.	15th August 1960.
3	IS: 678-1955 Specification for Cloth, Drab, Mixture, Woollen (Water Resistant), No. 2.	S.R.O. 774, dated 9 April 1955.	Amendment No. 2 June 1960.	(i) Existing clause No. 5.7 has been deleted and substituted by a new clause. (ii) Sub-clause 5.7.1 has been deleted. (iii) In sub-clause 5.9.1, line 3, substitute 'Appendix B' for 'Appendix A'.	15th August 1960.

- (iv) In sub-clause 5.10.1(a), line 2 substitute 'Appendix C' for 'Appendix B'.
- (v) Re-designate the existing 'Appendix A' as 'Appendix B' and substitute 'B' for 'A' in all item and clause numbers of the Appendix.
- (vi) A new Appendix A has been added.

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, "Manak Bhavan", 9, Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232, Dr. Dadabhai Naoroji Road, Fort, Bombay-1, (ii) P-11, Mission Row Extension, Calcutta-1 and (iii) 2/21, First Line Beach, Madras-1.

[No. MD/13 : 5]

C. N. MODAWAL, Dy. Director (Marks).

MINISTRY OF STEEL, MINES AND FUEL**(Department of Mines and Fuel)***New Delhi, the 2nd August 1960*

S.O. 1963.—Whereas by the notification of the Government of India in the Department of Mines and Fuel (Ministry of Steel, Mines and Fuel) S.O. 1651, dated the 7th August, 1958 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in lands measuring 14.76 Square Miles in the locality specified in the Schedule appended to that notification and reproduced in the Schedule appended hereto:—

And whereas in respect of the said land no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7, the Central Government hereby specifies further period of one year commencing from the 7th August, 1960 as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over the said lands.

SCHEDULE

Plan No. HQ/263.

KOREA BLOCK II

Sl. No.	Name of Village	Tehsil	Tehsil No.	District	Area	Remarks
1.	Bhukbhuki	Manendragarh	156	Surguja	14.76 Square miles.	Part.
2.	Dubchola	Manendragarh	83	Surguja		Part.
3.	Banjaridand	Manendragarh	149	Surguja		Whole.
4.	Govt. forest	Manendragarh	..	Surguja		Part.
						14.76 Square Miles

Boundary description:

ABC line passes through village Bhukbhuki.

CD line passes through village Bhukbhuki and Government forest.

DE line passes through Reserve Forest.

EFGHIJ line passes through Reserve forest.

JK line passes through Reserve forest upto Western Boundary of Banjaridand village.

KL line passes along Western Boundary of Banjaridand village.

LM line passes along common boundary of Manendragarh and Baikunthpur Tahsil.

MNO line passes through Eastern boundary of village Banjaridand.

OP line passes along Southern Boundary of village Banjaridand and through Reserve forest upto Eastern boundary of Dubchola.

PQ line passes along Eastern boundary of village Dubchola.

QA line passes along Southern Boundary of village Dubchola and Bhukbhuki.

The map of this area can be inspected at the office of the National Coal Development Corporation Ltd. (Revenue Section), "Darbhanga House", Ranchi or at the office of the Collector, Surguja (M.P.).

[No. C2-6(15)/57]

B. ROY, Under Secy.

(Department of Iron & Steel)

New Delhi, the 8th August 1960

S.O. 1994.—ESS. COMM/Iron & Steel-15(1) & 27(1) A.M.(20)/60.—The following notification issued by the Iron and Steel Controller under Clause 15(1) of the Iron and Steel (Control) Order, 1956 is published for general information:—

"NOTIFICATION

In exercise of the powers conferred by sub-clause (1) of Clause 15 of the Iron & Steel (Control) Order, 1956 and with the approval of the Union Government the Iron and Steel Controller hereby notifies the following special base selling price of M/s. National Rolling & Steel Ropes Ltd., Calcutta for Electrode Core Wire 2 to 3 SWG drawn by them from imported Electrode Billets allotted to them from the Importers as shown below:—

Name of Importers of Electrode Billets.	Tonnage of Electrode Core Wire drawn/to be drawn from the Electrode Billets in L/Ton.	Base special selling price of Electrode Core Wire 2 to 3 SWG f.o.r. Cal. Bombay, Madras, Tatanagar and Bampur per L/Ton.
		Rs.
M/s. Mehindra and Mahindra Ltd., Calcutta.	201	929.25

The above base special selling price of Electrode Core Wire is subject to the gauge extras for Annealed Wire and to conditions of sale for Wire & Wire products as mentioned under Schedule II of the consolidated Price Notification, dated the 18th October, 1958 published under S.O. 2249-ESS.Comm/Iron & Steel-15(1) and 27(1) in Part II—Section 3(ii) of the Gazette of India, dated the 1st November, 1958.

A. S. BAM, I.C.S.,
Iron & Steel Controller."
[No. SC(C)-2(99)/60.]

S.O. 1995.—ESS. COMM/Iron & Steel-15(1)/AM(19)60.—The following notification issued by the Iron and Steel Controller under Clause 15(1) of the Iron and Steel (Control) Order, 1956 is published for general information:—

"NOTIFICATION

In exercise of the powers conferred by sub-clause (1) of Clause 15 of the Iron & Steel (Control) Order, 1956 and with approval of the Central Government, the Iron & Steel Controller hereby notifies the following quality extras for Electrode Billets and Electrode Core Wire respectively:—

	Extra per ton	
	Long Ton	Metric Ton
	Rs. np.	Rs. np.
Electrode Billets.	52.50	51.67
Electrode Core Wire	57.75	56.84

A. S. BAM, I.C.S.,
Iron & Steel Controller."

[No. SC(C)-2(66)/60.]

J. S. BAIJAL, Under Secy.

(Department of Iron & Steel)*New Delhi, the 9th August 1960*

S.O. 1996|ESS. COMM|IRON AND STEEL-2(c)|AM(69).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the Ministry of Steel Mines and Fuel, No. S.R.O. 2041/ESS.COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, against 'ANDHRA PRADESH', the following shall be added namely:—

2	3
"5, All the Block Development Officers, Agriculture Department, Andhra Pradesh.	4, 5, 18 & 20."

[No. SC(A)-1(1)/59.]

M. C. MISRA, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE**(Department of Agriculture)***New Delhi, the 20th July 1960*

S.O. 1997.—In pursuance of clause (b) of section 2 of the Live-stock Importation Act, 1898 (9 of 1898), and in supersession of the notifications of the Government of India in the late Department of Education, Health and Lands No. F. 32-12(14)/44-A dated the 12th August, 1944 and the Ministry of Agriculture No. F. 12-75(II)/49-L, dated the 26th June, 1950, the Central Government hereby specifies the following animals to be Live-stock for the purposes of the said Act, namely:—

Mules, asses, bulls, calves,
bullocks, buffaloes, goats, swine,
dogs, cats, poultry, parrots,
pigeons, canaries and finches.

[No. 21-34/55-LS.]

S.O. 1998.—In pursuance of clause (a) of section 2 of the Livestock Importation Act, 1898 (9 of 1898), and in supersession of the notifications of the Government of India in the late Department of Education, Health and Lands No. F. 32-12(13)/44-A, dated the 12th August, 1944 and the Ministry of Agriculture No. 12-75(1)/49-L, dated the 26th June, 1950, the Central Government hereby specifies the following diseases or disorders to be infectious or contagious disorders for the purposes of the said Act, namely:—

1. Anaplasmosis
2. Aujeszky's disease
3. Avian leucosis complex
4. Babesiosis
5. Bacillary white diarrhoea
6. Black tongue in sheep
7. Blue tongue in sheep
8. Bang's disease
9. Borna disease
10. Canine Distemper
11. Chronic respiratory disease of poultry
12. Contagious coryza of poultry
13. Contagious agalactia
14. Contagious caprine pleuro pneumonia
15. Contagious bovine pleuro pneumonia
16. Contagious equine pleuro pneumonia
17. East Coast fever
18. Epidemic tremor
19. Epizootic lymphangitis

20. Equine encephalomyelitis
21. Equine infectious anaemia
22. Fowl cholera
23. Fowl plague
24. Fowl pox
25. Fowl typhoid
26. Heartwater
27. Infectious laryngo-tracheitis
28. Infectious bronchitis
29. Jigger disease
30. John's disease
31. Leishmaniosis
32. *Leptospira icterohaemorrhagiae* infection
33. Louping ill (sheep)
34. Malignant Catarrhal fever
35. Newcastle disease
36. Orf
37. Piroplasmiasis
38. Psittacosis
39. Rabies
40. Rinderpest
41. Scrapie
42. Sporotrichosis
43. South African Horse Sickness
44. Spirochaetosis
45. Swine erysipelas
46. Swine influenza
47. Swine fever
48. Swine plague
49. Teschen disease
50. Trypanosomiasis
 - (i) Dourine
 - (ii) Surra
 - (iii) Mal-de-Caderas
51. Tuberculosis
52. Ulcerative lymphangitis
53. Vesicular stomatitis
54. Virus hepatitis of ducks
55. Virus pneumonia of pigs.

[No. F. 21-34/55-LS.]

K. C. SARKAR, Under Secy.

(Department of Agriculture)

New Delhi, the 2nd August 1960

S.O. 1999.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendments in the Schedule to the notification of the Government of India in the late Ministry of Agriculture No. S.R.O. 634-A dated the 28th February, 1957 namely:—

1. These rules may be called the Central Civil Services (Classification, Control and Appeal) Amendment Rules, 1960.

2. In part I of the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1957, under the heading "Extension Education Institute, Nilokheri", for the existing entries, the following entries shall be substituted, namely:—

I	2	3	4	5
"All posts	Principal	Principal	All	Director of Administration

[No. F. 15-30/59-AE.]

SANTOKH SINGH, Under Secy.

(Department of Agriculture)*New Delhi, the 5th August, 1960*

S.O. 2000.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) the Central Government hereby makes the following amendments in the Vegetable Oils Grading and Marking Rules, 1955, the same having been previously published as required by the said section, namely:—

1. These rules may be called the Vegetable Oils Grading and Marking (Amendment) Rules, 1960.

2. In schedule VII to the Vegetable Oils Grading and Marking Rules, 1955, in column 10, for the heading "Polenske Value (not more than)" the heading "Polenske Value (not less than)" shall be substituted.

[No. F. 25-1/59-AM.]

V. S. NIGAM, Under Secy.

MINISTRY OF HEALTH*New Delhi, the 26th July 1960*

In the matter of Charitable Endowments Act, 1890 and in the matter of "The Lady Hardinge Hospital for Women and Children Delhi Fund".

S.O. 2001.—On the application of and with the concurrence of the Board of Administration for "the Lady Hardinge Hospital for Women and Children, Delhi, Fund" and in exercise of the powers conferred on it by Section 4 of the Charitable Endowments Act, 1890 (6 of 1890) the Central Government doth hereby order and direct that the sum of Rs. 40,000/- pertaining to the Lady Hardinge Medical College & Hospital, Employees' Provident Fund Account invested in the 12-Year National Plan Savings Certificates Nos. G 015575, G 015576 and G 454701 to G 454706 of Rs. 5,000/- each of the 31st March, 1960, and the sum of Rs. 22,000/-

relating to special Fund Account of the Lady Hardinge Medical College & Hospital, invested in the 10-year Treasury Savings Deposit Certificate No. DH 005497 of the 31st March, 1960, shall vest in the Treasurer of Charitable Endowments for India.

[No. F. 4-56/59-MII.]

R. MURTHI, Under Secy.

New Delhi, the 4th August 1960

S.O. 2002.—Dr. David Rabindra Nath Sahu, M.B.B.S. (Patna), Tulasipur, Cuttack, having been elected as a member of the Medical Council of India under clause (c) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health No. F.5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading "Elected under clause (c) of sub-section (1) of section 3", after serial No. 7 and the entry relating thereto, the following shall be inserted, namely:—

"Dr. David Rabindra Nath Sahu, M.B.B.S. (Patna) Tulasipur, Cuttack"

[No. 5-13/59-MI.]

A. C. RAY, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS**(Department of Transport)****(Transport Wing)***New Delhi, the 3rd August 1960*

S.O. 2003.—In exercise of the powers conferred by sub-section (1) of section 63A of the Motor Vehicles Act, 1939 (4 of 1939), the Central Government hereby appoints Shri R. B. Lal, Additional Member (Commercial), Ministry of Railways (Railway Board), as a Member of the Inter-State Transport Commission in place of Shri S. R. Kalyanaraman, who has resigned, and makes the following amendment to the notification of the Government of India in the Ministry of Transport and Communications (Department of Transport) No. 11-I.S.T.C.(1)/58, dated the 14th August, 1958, namely:—

In the said notification, for item (b)(iii), the following item shall be substituted, namely:—

“(iii) Shri R. B. Lal, Additional Member (Commercial), Ministry of Railways (Railway Board).”

[No. 1-T(85)/60.]

D. D. SURI, Dy. Secy.

MINISTRY OF IRRIGATION AND POWER**ORDER***New Delhi, the 5th August 1960*

S.O. 2004.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a),
- (ii) Rule 119(1)(a),
- (iii) Rule 50(1)(d),
- (iv) Rule 118(c), and
- (v) Rule 123(7),

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with Model 110 B, No. 118301 Shovel:

- One 200 H.P., 2200/3810 volts, Westinghouse, induction motor, Serial No. IS16N9680.
- One 400 amps, 5000 volts, type PK 33, General Electric oil circuit-breaker, Cat No. 6050224G1.
- One 200 H.P., 3300 volts, General Electric, Auto-Transformer, Serial No. 2231700-G-32.
- One 5 K.V.A., 3600/240/480 volts, Westinghouse, Hipersil Transformer, Serial No. 59B11844.
- One 5 K.V.A., 3600/240/480 volts, Westinghouse, Hipersil Transformer, Serial No. 59B11843.
- One 5 K.V.A., 3600/240/480 volts, Westinghouse, Hipersil Transformer, Serial No. 59511841.
- One 7.5 K.V.A., 3600/120/240 volts, Hipersil Transformer, Serial No. 59B11846.
- One length of 660 feet; 4 core (3 power and one ground) 286000 (19x0388); Tinned copper semi-conductivity type 9/64; Reacozone Ins. coloured tapes—Cabled with rubber fillers and one 28600 CW (19x0388); Tinned copper galvanised core 6/64 Rayvene seath 8/Conductively gate armor, 110; Reaprane Tape Jacket; Simlatab for 3.3 K.V.

at Gidi 'A' colliery of Messrs. National Coal Development Corporation Ltd., to the extent that (1) in relaxation of Rule 118(a), the portable motor of the Shovel may be used at 3.3 K.V., (2) in relaxation of Rule 119(1)(a), the bank of three

single phase, 5 K.V.A., 3300/240/480 volts transformers connected in delta|delta and the single phase 7.5 K.V.A. 3,600/120/240 volts transformer with their associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place the same have a portable sense, (3) in relaxation of Rule 50(1)(d), there being no linked switches for control of 3.3 K.V., supply to the transformers installed on the shovel, the 3.3 K.V. supply to same may be controlled by the individually operated link-fuses as provided by the manufacturers, (4) in relaxation of Rule 118(c), the 120 volts system of supply intended for use for lighting purposes within the Shovel from the single phase 7.5 K.V.A., 3600/120/240 volts lighting transformer having no mid voltage point for earthing and as such the voltage of the system being obtained between a phase and earth and not between phases as contemplated in Rule 118(c), the 120 volts system of supply is specially considered and may be used, and (5) the length of the flexible cable with the transportable machine may not exceed 660 feet and that the relaxation shall be subject to the following conditions:

- (1) The 3.3 K.V. supply to the flexible cable should be provided with earth-leakage protection.
- (2) The installation and wirings inside the Shovel should comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular Rules 115 to 117, 123 to 125 and 130.
- (3) The operators of the shovel should be duly trained and authorised.
- (4) The excavating machine shall be worked with due care so as to avert danger arising out of any electrical defect and the insulation resistance of the high voltage circuit, including the main driving motors shall not be less than 10 megohms.
- (5) The flexible trailing cable for use with the excavating machine shall be worked with due care so as to avert any danger arising out of it and shall be connected to the electricity supply system and the machine by properly constructed connector boxes:

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and that due information shall be given to the Central Government through the Electric Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL.III-3(2)/60.]

K. V. RAJAGOPALAN, Under Secy.

MINISTRY OF WORKS, HOUSING & SUPPLY

New Delhi, the 6th August 1960

S.O. 2005.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officers mentioned in column 1 of the table below, being gazetted officers of Government, to be estate officers for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

Designation of Officers 1	Categories of public premises and local limits of jurisdiction 2
1. The Executive Engineer, U.P. Central Public Works Department Division, Dehra Dun.	Premises under the administrative control of the Central Public Works Department situated within the local limits of his jurisdiction.
2. The Executive Engineer, Kanpur Central Division, Central Public Works Department, Kanpur.	Premises under the administrative control of the Central Public Works Department situated within the local limits of his jurisdiction.

[No. 14/3/60-Acc.]

R. C. MEHRA, Under Secy.

MINISTRY OF RAILWAYS**(Railway Board)**

New Delhi, the 2nd August 1960

S.O. 2006.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President is pleased to make the following rules, namely:—

1. Short title and commencement.—(i) These rules may be called the Railway Services (Authorized Pay), Rules, 1960.

(ii) They shall be deemed to have come into force on the 1st day of July, 1959.

2. Categories of Railway servants to whom the rules apply.—(i) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to Railway services.

(ii) These rules shall not apply to:—

- (a) persons who having been appointed by the Secretary of State or the Secretary of State in Council to a Railway service in India continue on and after the commencement of the Constitution of India to serve under the Government of India;
- (b) persons locally recruited for service in Diplomatic, Consular or other Indian Establishments in foreign countries;
- (c) permanent employees of former Indian States absorbed in Railway services so long as such persons continue to be governed by the pre-absorption conditions of service under the terms of their absorption in Railway services;
- (d) persons not in whole time employment;
- (e) persons paid out of contingencies;
- (f) persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;
- (g) persons employed on contract except when the contract provides otherwise;
- (h) re-employed Railway servants;
- (i) persons specifically excluded wholly or in part by the President from the operation of these rules.

3. Relaxation of rules.—Where the President is satisfied that the operation of any of these rules causes undue hardship in any particular case, he may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

4. Power of interpretation.—If any question arises relating to the interpretation of these rules it shall be referred to the Central Government whose decision thereon shall be final.

5. Definitions.—In these rules, unless there is anything repugnant in the subject or context:

- (1) 'authorized scale' means the scale of pay specified in the schedule under the heading authorized scale of pay;
- (2) 'basic pay' means pay as defined in Rule 2003(21)(a)(i) of the Indian Railway Establishment Code, Volume II, provided that where special pay forms a part of the existing scale and is merged in the authorized scale, basic pay includes special pay;
- (3) 'emoluments' means basic pay, and where admissible, also dearness pay and dearness allowance;
- (4) 'existing scale' means the scale of pay applicable to a Railway servant in respect of the post held by him in a substantive or officiating capacity on the 1st day of July, 1959;

Explanation.—In the case of a Railway servant on deputation out of India or on leave or on foreign service, or one who would have officiated in one or more lower posts but for his officiating in a higher post, 'existing scale' includes the scale applicable to the post which he would have held but for his being on

deputation out of India or on leave or on foreign service or but for officiating in another post.

(5) 'post-1931 entrant' means a Railway servant other than a pre-1931 entrant;

(6) 'pre-1931 entrant' means a person employed continuously in Railway service from the 16th August, 1947, or any earlier date, and who either

was continuously in Railway service in a substantive or other capacity from a date prior to the 16th July, 1931, and was not subject to Revised Scales (Rates) of Pay as defined in Rule 102(15) of the Indian Railway Establishment Code, Volume I,

or

entered Railway service on or after the 16th July, 1931, but was wholly exempted from the operation of the said Revised Scales (Rates) of Pay by special orders;

Provided that, in the case of a person who was formerly in the employ of a Railway Company which adopted scales of pay similar to the Revised Scales (Rates) of Pay and whose services were subsequently taken over by Government, the term Railway service shall be deemed to include service under the Company, the corresponding dates on which the Company adopted the revised scales of pay being substituted for the date 16th July, 1931, in this rule.

Explanation 1.—Service of a Railway servant re-employed after retirement shall not be deemed to be continuous for the purpose of this clause. On re-employment he shall be treated as a post-1931 entrant.

(7) 'pre-1931 scale' means the scale of pay specified in the schedule under the heading pre-1931 scale of pay;

(8) 'prescribed scale' means the scale of pay specified in the schedule under the heading prescribed scale of pay;

(9) 'present emoluments' means the basic pay of a Railway servant in the existing scale, and dearness allowance including dearness pay (at the married rates in all cases where two separate rates exist for married and unmarried Railway servants, and at the rates applicable to Railway servants who do not enjoy grainshop concessions in all cases where separate rates exist for those enjoying such concessions and others) appropriate to the basic pay on the 1st day of July, 1959;

(10) 'revised emoluments' means the basic pay of a Railway servant in the authorized scale and the revised dearness allowance, if any, appropriate to the basic pay;

(11) 'schedule' means the schedule annexed to these rules.

6. Scale of pay of posts.—The scales of pay of posts specified in the schedule shall be those specified therein.

7. Drawal of pay in authorized scale.—Save as otherwise provided in these rules, a Railway servant shall draw pay in the authorized scale applicable to the post to which he is appointed:

Provided that a pre-1931 entrant who does not or is not entitled to elect the authorized scale under rule 8(a), shall, when appointed to a post which carries a pre-1931 scale of pay, draw pay in that scale.

8. Option to elect authorized scales.—The authorized scales of pay shown in the schedule shall apply to:—

- (a) pre-1931 entrants who have not elected the prescribed scales applicable to them but who elect the authorized scales provided that such option shall be admissible only if the prescribed scales of all the posts held by a Railway servant in a substantive as well as officiating capacity have undergone a revision under these rules; and
- (b) pre-1931 entrants who had elected the prescribed scales and all post-1931 entrants, provided that such a Railway servant may elect to continue to draw pay in the existing scale until the date on which he

earns his next or subsequent increment in the existing scale or until he vacates his post or ceases to draw pay in that time scale of pay.

Explanation 1.—The option to retain the existing scale under clause (b) may also be exercised by a pre-1931 entrant drawing pay in a prescribed scale on the 1st day of July, 1959, in accordance with the provisions of rule 4 of the Railway Services (Revision of Pay) Rules, 1947.

Explanation 2.—The option to retain the existing scale under clause (b) shall be admissible only in respect of one existing scale.

Explanation 3.—Where a Railway servant exercises the option under clause (b) to retain the existing scale in respect of a post held by him in an officiating capacity, his substantive pay for the purpose of Rule 2027 of the Indian Railway Establishment Code, Volume II, shall be the substantive pay which he would have drawn had he retained the existing scale in respect of the permanent post on which he holds a lien or would have held a lien had his lien not been suspended.

9. Exercise of option.—(1) The option under rule 8(a) or 8(b) shall be exercised in writing so as to reach the authority mentioned in sub-rule (2) within four months of the date of issue of these rules provided that:—

(i) in the case of a Railway servant who is on that date out of India on leave or deputation or foreign service or active service, the said option shall be exercised in writing so as to reach the prescribed authority within four months of the date of his taking over charge of his post in India; and

(ii) where a Railway servant is under suspension on the 1st day of July, 1959, the option may be exercised within four months of the date of his return to duty if that date is later than the date prescribed in this sub-rule.

(2) The option shall be intimated by the Railway servant in the appropriate form appended to these rules:—

(a) if he is a gazetted Railway servant to his Accounts Officer;

(b) if he is a non-gazetted Railway servant, to the Head of his Office.

(3) If the declaration regarding option is not received within the time mentioned in sub-rule (1),

(i) a pre-1931 entrant who has the option to elect the authorized scales under rule 8(a) shall be deemed not to have elected the authorized scales; and

(ii) any other Railway servant shall be deemed to have elected the authorized scales with effect from the 1st day of July, 1959.

(4) The option once exercised is final.

10. Fixation of initial pay in the authorized scales.—(1) Subject to the provisions of sub-rule (2), the initial pay of a Railway servant who elects or is deemed to have elected under rule 9(3), the authorized scale, from the 1st day of July, 1959, shall, unless in any case the President by special order otherwise directs, be fixed separately in respect of his substantive pay in the permanent post on which he holds a lien or would have held a lien if it had not been suspended, and in respect of his pay in the officiating post held by him, in the following manner:—

(i) where a single existing scale has been replaced by a single authorized scale, the pay in the authorized scale shall be fixed at the stage arrived at after adding the same number of stages to the minimum of the authorized scale as were necessary to arrive at the basic pay in the existing scale from its minimum.

(ii) where two existing scales in the same line of promotion have been replaced by a single authorized scale, the pay in the authorized scale in respect of persons who are in the lower of the two existing scales shall be fixed as in clause (i) and in respect of persons in the higher of the two existing scales, at the stage in the authorized scale arrived at by deducting the same number of stages from the maximum of the authorized scale as were necessary to arrive at the basic pay in the existing scale from its maximum.

- (iii) where two existing scales not in the same line of promotion, or more than two existing scales, whether in the same line of promotion or not, have been replaced by a single authorized scale, the pay in the authorized scale shall be fixed as in clause (i) except that for such fixation the minimum of the authorized scale shall be deemed to be the stage where the emoluments in the authorized scale are equal to the emoluments at the minimum of the relevant existing scale or if there is no such stage, the stage next above.

NOTE 1.—Where a Railway servant is holding a permanent post and is officiating in a higher post and the scales applicable to these two posts are merged into one scale, the pay shall be fixed under this sub-rule with reference to the officiating post only, provided he has continuously officiated in that post for not less than one year, and the pay so fixed shall be treated as substantive pay. Where such a Railway servant has not completed one year's continuous service in the higher officiating post on the 1st day of July, 1959, his pay in the authorized scale shall be fixed separately with reference to his substantive pay and officiating pay in the existing scales and his pay in the authorized scale fixed with reference to the officiating pay shall be treated as substantive pay in that scale after rendering service for the period by which it fell short of one year on the 1st day of July, 1959, provided it is certified by the appointing authority that he would have continued to officiate in the higher officiating post during this period had the authorized scale not been introduced. If, however, the appointing authority certifies that he would have reverted to the lower post during this period, his pay in the authorized scale would, from the date on which he would have reverted, be regulated on the basis of the pay fixed on the 1st day of July, 1959, with reference to his substantive pay in the lower post.

The provisions of this Note shall apply *mutatis mutandis* to Railway servants holding in an officiating capacity posts on different existing scales which have been replaced by a single authorized scale.

NOTE 2.—Where a single existing scale has been replaced by a single authorized scale or two or more existing scales not in the same line of promotion are replaced by a single authorized scale, a Railway servant who has served on the maximum of the existing scale shall be given increments as under on the authorized scale after his pay has been fixed under rule 10(I)(i) or 10(I)(iii), provided that such extra increments do not result in his exceeding the appropriate ceiling limit referred to in Rule 10(2).

(a) where the service on the maximum is one year or more but less than three years—One increment.

(b) where the service on the maximum is three years or more—Two increments.

(2) The revised emoluments shall not exceed the present emoluments by more than:—

(i) Rs. 5 or Rs. 7.50 N.P. in the case of authorized scales ending at Rs. 100 or less according as the Railway servant concerned has rendered service not exceeding ten years or exceeding ten years respectively in the same existing scale;

(ii) Rs. 10 in the case of authorized scales ending at Rs. 200 or less, but above Rs. 100;

(iii) Rs. 20 in the case of authorized scales ending at Rs. 300 or less, but above Rs. 200;

(iv) Rs. 30 in the case of authorized scales ending at Rs. 600, or less, but above Rs. 300;

(v) Rs. 40 in the case of authorized scales ending at Rs. 1,000 or less, but above Rs. 600;

(vi) Rs. 50 in the case of authorized scales ending above Rs. 1,000.

Provided that—

(a) in the case of a Railway servant whose present emoluments are not less than Rs. 1,100 per mensem, the revised emoluments shall not exceed the present emoluments.

(b) if the present emoluments exceed the revised emoluments in the case of any Railway servant the difference shall be allowed as personal pay to be absorbed in future increases in pay.

NOTE 1.—Where the revised emoluments at the stage arrived at under sub-rule (1) exceed the present emoluments by more than the ceiling limits prescribed in sub-rule (2) initial pay shall be fixed at the highest stage in the authorized scale at which the revised emoluments payable do not exceed the present emoluments by more than the ceiling limits, and the difference between the present emoluments plus the ceiling, and the revised emoluments shall be allowed as personal pay to be absorbed in future increases in pay.

NOTE 2.—The ceiling limits prescribed in this sub-rule do not apply in cases where the initial pay is fixed at the minimum of authorized scale.

(3) Subject to the provision of rule 8, if the pay as fixed in the officiating post under sub-rules (1) and (2) is equal to or lower than the pay as fixed in a substantive post, the former shall be re-fixed at the stage next above the substantive pay.

11. Date of next increment in the authorized scales.—The next increment of a Railway servant whose pay has been fixed in the authorized scale in accordance with rule 10(1) shall be granted on the date he would have drawn his increment, had he continued in the existing scale provided that:

(i) where the revised pay is fixed at the minimum of the time scale and on such fixation the revised emoluments exceed the present emoluments by more than the appropriate ceiling limit in terms of note 2 to rule 10(2), the next increment shall be granted on the date it falls due in the authorized scale; and

(ii) the next increment shall be granted on the 2nd day of July, 1959, to a Railway servant whose pay fixed on the 1st day of July, 1959, in the authorized scale is at the same stage as the one fixed for another Railway servant drawing pay at a lower stage than his in the same existing scale.

Explanation.—For the purposes of rules 10 and 11 increment shall be construed to mean stages in the time scale and not actual increase in pay. Where an increment on an existing or authorized scale is not annual, the increment shall be construed as carrying as many stages as the number of years of service required to be rendered for earning an increment.

12. Special provision for regulating pay of Class IV employees below the age of 18 years.—Notwithstanding the provisions of these rules, the pay of a Railway servant below the age of 18 years holding a post in the authorized scale of Rs. 70—1—80—EB—1—85, shall be Rs. 70 reduced by two rupees for each year by which his age falls below 18 years and shall be increased annually by two rupees from his next birthday onwards until he attains the age of 18 years when he will draw the minimum of the time scale.

13. Fixation of pay in the authorized scale subsequent to 1st July, 1959.—(1). Where a Railway servant continues to draw his pay in the existing scale and is brought over to an authorized scale from a date later than the 1st day of July, 1959, his pay in the authorized scale shall be fixed under the Railway Fundamental Rules and for this purpose his pay in the existing scale shall be deemed to be pay plus dearness pay and dearness allowance, provided that the pay so fixed shall not exceed the pay that would have been admissible on the date of being brought over to the authorized scale had he elected the authorized scales with effect from the 1st day of July, 1959.

(2) A Railway servant who has officiated in a post prior to the 1st day of July, 1959, but was not holding that post on that date and who on subsequent appointment to that post draws pay in the authorized scale shall be allowed the benefit of the proviso to the rule 2017 (FR. 22) of the Indian Railway Establishment Code, Volume II, to the extent it would have been admissible to him had he been holding that post on the 1st day of July, 1959, and elected the authorized scale on that date.

14. Over-riding effect of the rules.—In cases where the pay is regulated under these rules, the provisions of the Railway Fundamental Rules, the Revised Rates of Pay Rules, 1933, and the Railway Services (Revision of Pay) Rules, 1947, shall not apply to the extent they are inconsistent with these Rules.

FORM I

[See Rule 9(2)]

FOR PRE-1931 ENTRANTS WHO HAD NOT ELECTED THE PRESCRIBED SCALES OF PAY

*(A) I, (Name), s/o (Father's Name)
 hereby elect the authorized scales of pay with effect from the 1st day of July, 1959.

*(B) I, (Name), s/o (Father's Name)
 hereby elect to retain the pre-1931 scale of pay.

*(C) I, (Name), s/o (Father's Name)
 hereby elect to continue on the existing prescribed scale of pay of Rs.
 (Scale) of my substantive*/officiating* post until—

*(i) the date of my next increment.

*(ii) the date of my subsequent increment raising my pay to Rs.

*(iii) I vacate or cease to draw pay in the existing scale,
 and to elect the authorized scales of pay in respect of the remaining posts from
 the 1st day of July, 1959.

*(D) I, (Name), s/o (Father's Name)
 hereby elect to retain the existing prescribed scale of Rs. (Scale)
 of my substantive*/officiating* post until—

*(i) the date of my next increment.

*(ii) the date of my subsequent increment raising my pay to Rs.

*(iii) I vacate or cease to draw pay in the existing scale.

and to retain the pre-1931 scales of pay in respect of the remaining posts.

Signature.....

Date.....

Designation.....

Station.....

Office/Station in which
 employed.....

NOTE (1).—Option (A) is admissible only where the prescribed scales of all the posts held by the Railway servant in a substantive as well as officiating capacity have been revised under the Railway Services (Authorized Pay) Rules, 1960.

NOTE (2).—Options (C) and (D) are admissible only to a pre-1931 entrant who was drawing pay in a prescribed scale on the 1st day of July, 1959, under Rule 4 of the Railway Services (Revision of Pay) Rules, 1947.

ACKNOWLEDGEMENT

Received from Shri..... Designation..... Office/
 Station..... an option:

*(A) electing the authorized scales of pay.

*(B) retaining the pre-1931 scales of pay.

*(C) retaining the prescribed scale of pay for one post and electing the authorized scale of pay for the remaining posts.

*(D) retaining the prescribed scale of pay for one post and retaining the pre-1931 scale of pay for other posts.

Signature.....

Designation.....

Station.....

Office.....

*Score out whichever is not applicable.

FORM II

[See Rule 9(2)]

FOR ALL POST-1931 ENTRANTS AND PRE-1931 ENTRANTS WHO HAD ELECTED THE
PRESCRIBED SCALES OF PAY

*(A) I, (Name), s/o (Father's Name)
hereby elect the authorized scales of pay with effect from the 1st day of July,
1959.

*(B) I, (Name), s/o (Father's Name)
hereby elect to continue on the existing scale of pay of Rs
of my substantive*/officiating* post until—

*(i) the date of my next increment.

*(ii) the date of my subsequent increment raising my pay to Rs.....

*(iii) I vacate or cease to draw pay in the existing scale.

and to come on to the authorized scales of pay in respect of the remaining
posts with effect from the 1st day of July, 1959

Signature.....

Date.....

Name.....

Station.....

Office/Station in which
employed.....

ACKNOWLEDGEMENT

Received from Shri, Designation.....Office/
Station.....an option:

*(i) electing the authorized scales of pay for all the posts;

*(ii) retaining his existing scale for one post and electing the authorized
scales for all the other posts.

Signature.....

Date.....

Designation.....

Station.....

Office.....

*Score out whichever is not applicable.

SCHEDULE

GAZETTED POSTS IN THE OFFICE OF THE RAILWAY BOARD AND ITS ATTACHED
AND SUBORDINATE OFFICES

PART I—SECTION I

Designation of the post	Pre-1931 scale of pay	Prescribed scale of pay	Authorised scale of pay	Remarks
1	2	3	4	5
	Rs.	Rs.	Rs.	
(1) <i>Railway Board</i>				
Chief Commissioner, Railways(a)	Will follow	Will follow	Will follow	(a) Post held in abeyance.
Chairman, Railway Board	4,000	3,000	3,000	
Financial Commissioner, Railways	4,000	3,000	3,000	
Member, Railway Board	4,000	3,000	3,000	
Additional Members, Railway Board				
Directors, Railway Board				
Secretary, Railway Board				
Railway Adviser to the High Commissioner for India, London	Will follow	Will follow	Will follow	
Inspector General, Railway Protection Force				
Officer on Special Duty (Labour)				
Joint Directors, Railway Board.				
Deputy Inspector General, Railway Protection Force	D.I.G's. grade of the Police Department of his State.			
Deputy Director, Railway Board	(b) Senior scale applicable to the Service to which the Officer belongs plus a special pay of Rs. 200/-.	(b) 600 (6th year and under)— 40—1000—1000—1050— 1050—1100—1100—1150 plus a special pay of Rs. 200/-.	(b) Senior scale applicable to the service to which the Officer belongs plus a special pay of Rs. 200/-.	(b) Officers of the Railway Board Secretariat Service draw pay in the Assistant Director's Grade plus a special pay of Rs. 200/-
Deputy Secretary, Railway Board				

Assistant Director, Railway Board.	(c) 1000—50—1250.	(c) 800—50—1150.	(c) 900—50—1200.	(c) Officers drawn from Railway will draw pay in Class II/ Junior/Senior scale applicable to them plus a special pay of Rs. 150/-.
Under Secretary, Railway Board.				
Private Secretary to the Ministry	Will follow	Will follow	Will follow	
Editor	..	720—40—1000.	Will follow	
O.S.D. (Mechanical)	..	600 (6th year and under)— 40—1000—1000—1050— 1050—1100—1100—1150 plus special pay of Rs. 150/ Pay admissible as Section Officer plus special pay of Rs. 150/-.	700 (6th year and under)— 40—1100—50/2—1250 plus a special pay of Rs. 150/-	
O.S.D. (Pension)	..			
O.S.D. (Personnel) Efficiency Bureau	350—30—800 plus special pay of Rs. 150/-			
O.S.D. (Printing Press)			350—25—500—30—550— EB—30—800—EB—30—	
O.S.D. (Coal Trials)			830—35—900 plus special pay of Rs. 150/-.	
O.S.D. (Metric)		275—25—500—EB—30— 650—EB—30—800 plus special pay of Rs. 150/-.		
O.S.D. (Co-operative)				
O.S.D. (Lands)				
Assistant Director (Signal), Bombay				
Assistant Accounts Officer				
Assistant Development Officer				
Liaison Officer, Santahar	..	350—350—380—380—30— 500—EB—30—770—40— 850.	400—400—450—30—600— 35—670—EB—35—950.	
Special Assistant to the Chairman, Railway Board.	350—30—800	275—25—500—EB—30— 650—EB—30—800	350—25—500—30—550— EB—30—800—EB—30— 830—35—900.	
Hindi Officer	..			
Section Officer Grade II, Railway Board.	550—30—710	530—30—800	(b) 350—25—500—30—550— EB—30—800—EB—30— 830—35—900.	(a) Assistants/Stenographers in Rly. Board's Office when promoted as Section Offi- cer/Stenographer Grade I will draw Rs. 325/- as initial pay if the fixation under the normal rules is at a lower stage.
Section Officer Grade III, Railway Board.	..	(d) 275—25—500		
Assistant Editor	..	350—25—500—30—620.	Will follow	

1	2	3	4	5
	Rs.	Rs.	Rs.	
Section Officer (Stenographer)	530—30—800	350—25—500—30—590— EB—30—800—EB—30— 830—35—900.	
Stenographer Grade I		275—25—500(a)	350—25—650 (b)	(b) Assistants/Stenographers in Railway Board's Office when promoted as Section Officer/Stenographer Grade I will draw Rs. 400/- as initial pay if the fixation under the normal rules is at a lower stage.
Private Secretary to Member/Secretary Railway Board				

(2) Railway Research Design and Standardisation Organisation

Director General]	} Will follow			
Director]				
Architect				
Joint Director				
Deputy Director				
Secretary to Director General		@ Senior scale applicable to the service to which the officer belongs plus special pay of Rs. 200.	600 (6th year and under)—40— 1000—1000—1050—1050— 1100—1100—1150 plus special pay of Rs. 200.	@ Senior scale applicable to the service to which the officer belongs plus special pay of Rs. 200.
Senior Inspecting Engineer, Chittaranjan		Senior scale of the Transportation (Power) & Mech. Engineering Deptt. plus special pay of Rs. 200.	Do. ¹	700 (6th year & under)—40— 1100—50/2—1250 plus special pay of Rs. 200.
Assistant Directors		Pay in the scale (viz., class II, junior scale or senior scale) admissible to the incumbent on his parent Railway plus special pay of Rs. 150 per month.		
Sectional officers		Junior scale of the Deptt.* to which the officer belongs/ class II plus special pay of Rs. 50.	*Junior scale/class II plus special pay of Rs. 150.	*The post of sectional officer will, however, be held only by an Assistant officer. The technical staff of Re-

search, Design & Standardisation Organisation when promoted to these posts, will draw pay in class II and special pay of Rs. 150.

Dynamometer Car Officer .	} Junior scale applicable to the service to which the officer belongs plus special pay of Rs. 150.	350—350—380—380—30—590—EB—30—770—40—850 plus special pay of Rs. 150.	400—400—450—30—600—35—670—EB—35—950 plus special pay of Rs. 150.
Oscillograph Car Officer .			
Inspecting Engineer, Tatanagar		350—30—800—plus special pay of Rs. 150.	275—25—500—EB—30—650—EB—30—800 plus special pay of Rs. 150.
Establishment Officer Liaison Engineer		*	350—25—500—30—590—EB—30—800—EB—830—35—900 plus special pay of Rs. 150.
Superintendent		550—30—700	400—20—500
			@ 350—25—500—30—590—EB—30—800—EB—30—830—35—900.

*Class III post.

@Assistants and Stenographers in the Research Design and Standardisation Organisation when promoted to this post will draw Rs. 400 as initial pay if the fixation under the normal rules is at a lower stage.

(3) Railway Liaison Office

Railway Liaison Officer Will follow

Deputy Director, Railway Equipment (Steel)	Senior scale pay applicable to the service to which the officer belongs plus special pay of Rs. 200.	600 (6th year & under)—40—1000—1000—1050—1050—1100—1100—1150—plus special pay of Rs. 200.	Senior scale applicable to the service to which the officer belongs plus special pay of Rs. 200.
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1	2	3	4	5
	Rs.	Rs.	Rs.	
Assistant Director Railway Equipment (Steel)	Junior scale/class II plus special pay of Rs. 150.			
	(4) <i>Railway Rates Tribunal</i>			
Chairman . . . . .	..	3,000	3,000	
Member . . . . .	..	2,250	2,250	
Secretary		will follow		
	(5) <i>Railway Service Commission, Allahabad/Bombay/Calcutta/Madras.</i>			
Chairman	2,500	1,800	1,800	
Member	1,950	1,300	1,300	
Secretary	Senior scale applicable to the service to which the officer belongs.			
	(6) <i>Railway Training Colleges and Schools</i>			
(i) <i>Staff College, Baroda</i>				
Principal		will follow		@Instructors/lecturers will be entitled to special pay at the following rates per month:—
Senior scale Instructors	Senior scale as applicable to the service to which the officer belongs plus special pay as shown in Col. 5.		@	
Class II Instructors	Class II scale applicable to the service to which the officer belongs plus special pay as shown in Col. 5		@	Rs. 150 if in senior scale Rs. 75 if in junior scale Rs. 50 if a non-gazetted is appointed to class II/junior scale
(ii) (a) <i>Signal & Tele-Communication School, Secunderabad.</i>				This special pay is admissible only if it is certified that the officer would have held a corresponding post on his Railway but for his transfer to the school centre/college. If this condition is not satisfied, no special pay will be admissible. A non-
(b) <i>Technical Training School, Centres.</i>				
Principal/Superintendent		will follow		
Senior Lecturer	Senior scale applicable to the service to which the officer belongs plus special pay as shown in Col. 5		@	

Junior Lecturer . . . Junior scale/class II scale applicable to the service to which the officer belongs plus special pay @ as shown in Col. 5

gazetted railway servant appointed to hold a junior scale or class II post of an instructor/lecturer will, however, draw a special pay of Rs. 50 only. The special pay will be admissible only to the serving officer and not to an instructor who has been re-employed.

NON-GAZETTED POSTS IN THE OFFICE OF THE RAILWAY BOARD AND ITS ATTACHED AND SUBORDINATE OFFICES.

PART I SECTION 2

Designation of the post	Pre—1931 scale of pay	Prescribed scale of pay	Authorized scale of pay	Remarks
1	2	3	4	5
	Rs.	Rs.	Rs.	
(1) <i>Assistants & Clerks.</i>				
Assistant	200—15—365—EB—15— 500	160—10—300—EB—15— 450	210—10—290—15—320— EB—15—425—EB—15— 530	
Upper Division Clerk	180—15—450 100—8—300	80—5—120—EB—8—200— 10/2—220	130—5—160—8—200— EB—8—256—EB—8—280	
Lower Division Clerk	100—8—260 100—8—156 75—5—150	60—3—81—EB—4*—125— 5—130	110—3—131—4—155— EB—4—175—5—180	*Special pay of Rs. 30/- p.m. is allowed to clerks knowing stenography and who render assistance in stenography.
(2) <i>Stenographers</i>				
Stenographer Grade II . . . . .	..	250—10—300—15—375	210—10—290—15—320— EB—15—425—EB—15— 530.	
Stenographer Grade III	175—9—400	160—10—330		
	150—10—300			
(3) <i>Hindi Staffs</i>				
Assistant Private Secretary to H.M. (Hindi) . . . . .	..	300—20—400	will follow	
Assistants (Hindi)	160—10—300—EB—15— 450	210—10—290—15—320— EB—15—425—EB—15— 530	

Hindi Typist	60—3—81—EB—4—125— 5—130	110—3—131—4—155—EB— 4—175—5—180
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(4) *Accounts Staff*

Senior Accountant	290—20—450 + 15% of pay as special pay	350—15—380—20—500 + 15% of pay as special pay	435—20—575 + 15% of pay as special pay
Junior Accountant	150—15—270 + 15% of pay as special pay	200—15—350 + 15% of pay as special pay	270—15—435 + 15% of pay as special pay.
Sub-head Accounts . . . . .	..	200—10—300	210—10—290—15—320— EB—15—380

5— *Statistical Office.*

Senior Statistical Inspector . . . . .	..	360—20—500	450—25—575
Senior Economic Investigator . . . . .	..	275—25—500	will follow
Junior Statistical Inspector . . . . .	..	260—15—350	335—15—425
Operator for Rota Duplicating Machine . . . . .	..	80—5—120—EB—8—200	Will follow
Typist for Verityper . . . . .	..	60—3—81—EB—4—125— 5—130—plus Rs. 20 as special pay	110—3—131—4—155— EB—4—175—5—180 plus Rs. 20 as spl. pay.

6— *Planning Office.*

Planning Superintendent . . . . .	..	360—20—500 plus Rs. 50 as special pay	450—25—575 plus Rs. 50 as as spl. pay.
Planner . . . . .	..	360—20—500	450—25—575
Asstt. Planning Superintendent . . . . .	..	300—20—400 plus Rs. 50 as special pay	370—20—450—25—575 plus Rs. 50 as spl. pay.

7— *Drawing Office*

Head Draftsman . . . . .	..	360—20—500	450—25—575
Senior Draftsman . . . . .	..	300—20—500	Will Follow
Senior Draftsman . . . . .	..	300—20—400	370—20—450—25—475
Estimator . . . . .	..	260—15—350	335—15—425
Junior Draftsman 'A' . . . . .	..	150—7—185—8—225	205—7—240—8—280
Junior Draftsman 'B' . . . . .	..	100—5—125—6—155— EB—6—185	150—5—175—6—205— EB—7—240
Tracer	75—5—150	60—4—120—EB—5—150	110—4—150—EB—4—170 5—180—EB—5—200

RAILWAY BOARD'S OFFICE—(contd.)

1	2	3	4	5
	Rs.	Rs.	Rs.	
(8) <i>Publicity Staff</i>				
Chief Publicity Inspector	360—20—500	450—25—575	
Publicity Inspector	160—10—300—EB—15— 450	210—10—290—15—320— EB—15—425—EB—15— 530	
Photographer	260—15—350	335—15—425	
Proof Reader	100—5—125—6—155— EB—6—185	150—5—175—6—205— EB—7—240	
(9) <i>Investigation Staff</i>				
Investigation Inspector	360—20—500 + Spl. pay of Rs. 125/-	450—25—575 ÷ Spl. pay of Rs. 125/-	
		360—20—500	450—25—575	
		300—20—400 + Spl. pay of Rs. 100/-	370—20—450—25—475 + Spl. pay of Rs. 100/-	
		260—15—350 + Spl. pay of Rs. 70/-	335—15—425 + Spl. pay of Rs. 70/-	
		200—10—300 + Spl. pay of Rs. 50/-	250—10—290—15—380 + Spl. pay of Rs. 50/-	
Havildar	60—4—100	Will follow	
(10) <i>Secretary's Office</i>				
Confidential Asstt. to Secretary	300—25—400 + Spl. pay of Rs. 50/-	Will follow	
Assistant Librarian	160—10—350	Will follow	
Transport Inspector	360—20—500 + Spl. pay of Rs. 50/-	450—25—575 ÷ Spl. pay of Rs. 50/-	
Welfare Inspector	260—15—350	335—15—425	
		200—10—300	250—10—290—15—380	
O. & M. Inspector	160—10—300—EB—15— 450 + Spl. pay of Rs. 50/-	210—10—290—15—320— EB—15—425—EB—15— 530 + Spl. pay of Rs. 50/-	
Care Taker	260—15—350	335—15—425	

Senior Receptionist . . . . .	..	160—10—330	Will follow
Junior Receptionist . . . . .	..	80—5—120—EB—8—200— 10/2—220	130—5—160—8—200— EB—8—256—EB—8— 280
Staff Car Driver	75—5—100	55—3—85	*105—3—135
		60—3—81—EB—4—125— 5—132	110—3—131—4—143— EB—4—171—EB—4— 175—5—180
Record Sorter	20—1—40	55—3—85	105—3—135
Gestetner Attendant	30—3—60	60—5/2—75	105—3—135
Movement Inspector . . . . .	..	(11) Efficiency Bureau Staff	335—15—425
Establishment Inspector . . . . .	..	260—15—350	Will follow
		160—10—250	12. Miscellaneous Staff
Loco Inspector . . . . .	..	360—20—500	450—25—575
Senior Technical Assistants . . . . .	..	300—20—400	370—20—450—25—475
Field Inspector (Fuel Consumption) . . . . .	..	260—15—350	335—15—425
Inspector Development . . . . .	..	300—20—400	370—20—450—25—475
Telecommunication Inspector . . . . .	..	200—10—300	250—10—290—15—380
Sub Store Keeper . . . . .	..	200—10—300	270—10—290—15—380
Chief Inspector . . . . .	..	360—20—500	450—25—575
Inspector Dangerous Goods . . . . .	..	Rly. Scale + Rs. 30/- as Special Pay	Rly. Scale + Rs. 30/- as Special Pay
Sainiks . . . . .	..	40—2—60	Will follow
Record Sorters . . . . .	..	40—1—50—2—60	80—1—85—2—95—EB— 3—110
Shaurie Operators . . . . .	..	35—1—50	75—1—85—EB—2—95
Daftries . . . . .	..	
Jamadars . . . . .	..	
Peons . . . . .	..	
Farashes . . . . .	..	
Sweepers . . . . .	..	30—1/2—35	70—1—80—EB—1—85
Watermen . . . . .	..	
Malies . . . . .	..	

*The higher grade is meant for Drivers of (a) light or medium vehicles referred to below where the duties involve very long hours, regularly, or are exceptionally arduous and (b) heavy vehicles. The lower grade is meant for Drivers of light motor vehicles, such as motor cars and jeeps, and of medium transport and goods vehicles.

OFFICE OF THE JOINT DIRECTOR, RAIL MOVEMENTS, CALCUTTA

PART I—SECTION 2

Designation of the Post	Pre-1931 scale of Pay	Prescribed scale of Pay	Authorized scale of Pay	Remarks
1	2	3	4	5
	Rs.	Rs.	Rs.	
		(1) Class III posts.		
Superintendent	360—20—500	450—25—575.	
Section Superintendent	200—10—300	210—10—290—15—320—EB—15—380.	
Head Clerk	160—10—250	130—5—160—8—200—EB—8—256—EB—8—280—10—300.	
Senior Clerk	80—5—120—EB—8—200—10/2—220.	130—5—160—8—200—EB—8—256—EB—8—280—10—300.	
Clerk	60—3—81—EB—4—125—5—130.	110—3—131—4—155—EB—4—175—5—180.	
Typist	Do.	Do.	
Head Typist	80—5—120—EB—8—160	130—5—175—EB—6—205—7—280.	
Stenographer	200—10—300	Will follow	
Stenographer	80—5—120—EB—8—200—10/2—220.	130—5—160—8—200—EB—8—256—EB—8—280—10—300.	
Inspector	360—20—500	450—25—575	
Inspector	300—20—400	370—20—450—25—475	
Movement Inspector	200—10—300	250—10—290—15—380	
Wagon Chaser	100—5—125—6—185	150—5—175—6—205—EB—7—240.	
		(2) Class IV posts		
Peon	30—1/2—35	70—1—80—EB—1—85	

OFFICE OF THE DEPUTY DIRECTOR, RAIL MOVEMENTS, MOGHALSARAI

PART I—SECTION 2.

Designation of the Post	Pre-1931 scale of Pay	Prescribed scale of Pay	Authorized scale of Pay	Remarks
I	2	3	4	5
	Rs.	Rs.	Rs.	
(1) Class III Staff				
Chief Controller	360—500	450—25—575	
Traffic Inspector	360—500	450—25—575	
Stock Controllers	200—10—300	250—10—290—15—380	
Train Clerks	100—5—125—6—185	150—5—175—6—205—EB —7—240.	
Stenographer	160—10—330	Will follow.	
Routine Clerk	60—130	110—3—131—4—155—EB —4—175—5—180.	
(2) Class IV Staff				
Peon }		30—1/2—35.	70—1—80—EB—1—85.	
Sweeper }				

OFFICE OF THE DEPUTY DIRECTOR, WORKS BRIDGES, CALCUTTA

PART I—SECTION 2.

Designation of the Post	Pre-1931 Scale of Pay	Prescribed Scale of Pay	Authorized Scale of Pay	Remarks
(1)	(2)	(3)	(4)	(5)
	Rs.	Rs.	Rs.	
		(1) Class III Staff		
Clerk . . . . .	..	160—10—250	Will follow	
Clerk . . . . .	..	60—3—81—EB—4—125— 5—130	110—3—131—4—155—EB— 4—175—5—180.	
Stenographer . . . . .	..	80—5—120—EB—8—200— 10/2—220.	130—5—160—8—200—EB— 8—256—EB—8—280— 10—300.	
Draftsman . . . . .	..	260—15—350	335—15—485	
Assistant Bridge Inspector . . . . .	..	150—7—185—8—225	205—7—240—8—280	
		(2) Class IV Staff		
Peon . . . . .	..	30—1/2—35	70—1—80—EB—1—85.	

OFFICE OF THE DEPUTY DIRECTOR (SIGNALS), CALCUTTA AND ASSISTANT DIRECTOR (SIGNALS), BOMBAY.

(1) Class III Staff

Stenographer . . . . .	..	80—5—120—EB—8—200— 10/2—220.	130—5—160—8—200—EB— 8—256—EB—8—280— 10—300.
L.D.C.	60—3—81—EB—4—125— 5—130.	110—3—131—4—155—EB— 4—175—5—180.

(2) Class IV Staff

Peon		30—1/2—35	70—1—80—EB—1—85
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RAILWAY RESEARCH, DESIGN & STANDARDISATION ORGANIZATION

PART I—SECTION 2

Designation of the Post	Pre-1931 Scale of Pay	Prescribed Scale of Pay	Authorized Scale of Pay	Remarks
(1)	(2)	(3)	(4)	(5)
	Rs.	Rs.	Rs.	
<i>1.—Assistants and Clerical Supervisors</i>				
Superintendent	550—30—700	400—20—500	350—25—500—30—590— EB—30—800—EB—30— 830—35—900.	
Assistant-in-Charge	180—15—450 + S. P. of Rs. 50	160—10—300—EB— 15—450 + S. P. of Rs. 50	Will follow.	
Assistants	180—15—450	160—10—300—EB—15— 450.	210—10—290—15—320—EB— 15—425—EB—15—530.	
<i>2. Clerks</i>				
Upper Division Clerks	100—8—260	80—5—120—EB—8—200— 10½—220.	130—5—160—8—200—EB— 8—256—EB—8—280.	
Lower Division Clerks	75—5—150.	60—3—81—EB—4—125— 5—130.	110—3—131—4—155—EB— 4—175—5—180	
<i>3. Stenographers/Stenotypists</i>				
Personal Assistants . . . .	..	250—10—300—15—375	} 210—10—290—15—320— EB—15—425—EB— 15—530. 110—3—131—4—155—EB— 4—175—5—180 plus Rs. 30 S. P.	
Stenographers . . . .	..	160—10—330.		
Steno-typists . . . .	..	60—3—81—EB—4—125— 5—130 plus Rs. 30 S. P.		

RAILWAY RESEARCH, DESIGN & STANDARDISATION ORGANIZATION[†]—(Continued).

(1)	(2)	(3)	(4)	(5)
		<i>4. Librarians.</i>		
	Rs.	Rs.	Rs.	
Librarian . . . . .	..	160—10—350	Will follow.	
Assistant Librarian . . . . .	..	150—7—185—8—225	Will follow.	
		<i>5. Technical Posts</i>		
Block Signal Inspector	} 550—30—700	360—20—500	450—25—575	
C & W Inspector				
Foreman (Foundry)				
Inspector (welded wagon)				
Liaison Inspector				
Sr. Design Assistant & Senior Arch. Asstts.				
Sr. Investigator	} 300—15—450	300—20—400	370—20—450—25—475	
Sr. Inspector (Inspn.)				
Telecom. Inspector				
Asstt. Foreman				
Design Asstt. 'A' & Arch. Asstt. 'A'				
Inspector (Inspn.)				
Loco Inspector	} ..	260—15—350	335—15—425	
Asstt. Foreman (Dyc)				
Design Asstt. 'B' & Arch. Asstt. 'B'				
Inspector Works				
Electrical Chargemen				
Mech. Chargemen				
Technical Asstt. . . . .	..	160—10—330	210—10—290—15—320— EB—15—425	
Asstt. Chargeman	} 200—10—290	150—7—185—8—225	205—7—240—8—280	
Asstt. I.O.W.				
Chargeman				
Draughtsman 'A'				
Draughtsman-cum-Photographer				
Mechanical Chargeman				

Store Keeper . . . }
 Train Examiner . . . }
 Ward Keeper . . . }

Draughtsman 'B' . . . } 100—8—260
 Jr. Draughtsman 'B' . . . }

Laboratory Asstt. . . }
 Tracer . . . }

100—5—125—6—155— 150—5—175—6—205—EB—
 EB—6—185. 7—240.

60—4—120—EB—5—150 110—4—150—EB—4—170—
 5—180—EB—5—200

6. Miscellaneous Class III Posts

Welfare Inspector
 Lucigraph Operator
 Driver (Motor)

260—15—350 335—15—425
 75—3—105 125—3—131—4—155
 60—3—81—4—93—EB— 110—3—131—4—143—EB—
 4—125—5—130 4—171—EB—4—175—
 5—180

For Drivers of (a) light or medium vehicles referred to below where the duties involve very long hours, regularly, or are exceptionally arduous and (b) heavy vehicles.

Driver (Scooter)

Do.

105—3—185

For Drivers of light motor vehicles, such as motor cars and jeeps, and of medium transport and goods vehicles.

Rotaprint Operator

60—3—81—4—93—EB— 110—3—131—4—143—EB—
 4—125—5—130. 4—171—EB—4—175—
 5—180

Konee Operator
 Record Sorter

60—5/2—75 Will follow
 55—3—85 105—3—135

7. Artisans

Fitter Machinist . . . }
 Electric Mistry (HS) . . . }
 Carpenter (HS) . . . }
 Tin Smith (HS) . . . }
 Welder (HS) . . . }

125—6—185 175—6—205—7—240.
 80—5—120—EB—8—160 130—5—175—EB—6—
 205—7—212.

RAILWAY RESEARCH, DESIGN AND STANDARDISATION ORGANISATION (*contd.*)

PART I—SECTION 2

I	2	3	4	5
	Rs.	Rs.	Rs.	
Book Binder	}	60—3—81—4—93—EB— 4—125—5—130.	110—3—131—4—143—EB —4—171—EB—4—175— 5—180
Carpenter			
Fitter			
Fitter Machinist			
Mason			
Machinist Shaper			
Moulder			
Tim Smith			
Turner			
Welder			
Wireman	}	35—1—50—EB—2—60	75—1—85—EB—2—95—3 —101—EB—3—110.
Wireman all Operator			
Fitter			
Metal Cutter			
Wood Machinist			
8. Class IV Posts				
Record Sorter	40—1—50—2—60	80—1—85—2—95—EB—3 —110.	
Ferro Printer	35—1—50—EB—2—60	80—1—85—2—95—EB—3 —110	
Duftry	}	35—1—50	75—1—85—EB—2—95
Jamadar (Peon)			
Spongeman			
Farash	}	30—1/2—35	70—1—80—EB—1—85
Khallasi or Cooly			
Mali			
Peon			
Sweeper			
Waterman			
Watchman or Chowkidar			

RAILWAY LIAISON OFFICE, NEW DELHI

PART I—SECTION 2

Designation of the post	Pre-1931 scale of Pay	Prescribed Scale of pay	Authorised Scale of pay	Remarks
1	2	3	4	5
	Rs.	Rs.	Rs.	
(1) <i>Class III Posts</i>				
Superintendent . . . . .	..	400—20—500	Will follow	
Assistant-in-Charge	180—15—450 plus Rs. 30 spl. pay	160—10—300—EB—15— 450 plus spl. pay Rs. 30/-	Will follow	
Assistant	180—15—450	160—10—300—EB—15— 450	Will follow	
U.D.C.		80—5—120—EB—8—200— 10/2—220.	Will follow	
L.D.C.		60—3—81—EB—4—125— 5—130	110—3—131—4—155—EB —4—175—5—180	
Junior Field Officer . . . . .	..	300—20—400	370—20—450—25—475	
Stenographer . . . . .	..	160—10—330	Will follow	
(2) <i>Class IV Posts</i>				
Daftry . . . . .	..	35—1—50	75—1—85—EB—2—95	
Peon . . . . .	..	30—1/2—35	70—1—80—EB—1—85	

RAILWAY RATES TRIBUNAL, MADRAS

PART I—SECTION 2

Designation of the post	Pre-1931 scale of pay	Prescribed scale of pay	Authorized scale of pay	Remarks
1	2	3	4	5
	Rs.	Rs.	Rs.	
		(1) <i>Class III Posts</i>		
Senior Rates Clerk		300—20—400	350—20—450—25—475	
and Librarian.		200—10—300	250—10—290—15—380	
Court Inspectors . . . . .	..	200—10—300	Will follow	
Reporters . . . . .	..	160—10—250	210—10—290—15—320—	
Cashier and General Clerk . . . . .	..		EB—15—380	
Clerk		80—5—120—EB—8—	130—5—160—8—200—EB	
Junior Rates Clerk . . . . .	..	200—10/2—220	—8—256—EB—8—280—	
Stenographer . . . . .	..		10—300	
		(2) <i>Class IV Posts</i>		
Jamadar . . . . .	..	35—1—50	75—1—85—EB—2—95	
Head Peon . . . . .	..	35—1—40	75—1—85—EB—2—89	
Peon				
Watchman				
Gardener-cum-Waterman . . . . .	..	30—1/2—35	70—1—80—EB—1—85	
Sweeper . . . . .	..		

RAILWAY SERVICE COMMISSIONS ALLAHABAD, BOMBAY, CALCUTTA, MADRAS

PART I—SECTION 2

Designation of the post	Pre-1931 scale of pay	Prescribed scale of pay	Authorized scale of pay	Remarks
I	2	3	4	5
	Rs.	Rs.	Rs.	
		(1) Class III Posts		
Assistant Secretary	360—20—500	450—25—575	
Office Superintendent	300—20—400	350—20—450—25—475	
Chief Clerk	260—15—350	335—15—425	
Head Clerk	200—10—300	210—10—290—15—320— EB—15—380	
Senior Clerk	}	160—10—250	Will follow.	
Senior Clerk (Sub-head Clerk)				
Sub-head Clerk,* Class I/Grade I				
	..	80—5—120—EB—8—200 —10/2—220.	130—5—160—8—200—EB —8—256—EB—8—280— 10—300.	*To be re-designated as Clerk Grade I.
Clerk, @ Class II/Grade II	60—3—81—EB—4—125 —5—130f	110—3—131—4—155—EB —4—175—5—180f	(@) To be re-designated as Clerk Grade II.
Senior Stenographer	200—10—300	Will follow	The Clerk Grade II/Typist in the Service Commission who does the work of telephone operator in addition to his normal duty will be granted a special pay of 10% of his pay subject to a minimum of Rs. 15/- p.m.
Junior Stenographer	80—5—120—EB—8—200— 10/2—220.	130—5—160—8—200—EB —8—256—EB—8—280 —10—300	
Senior Typist	Do.	130—5—160—8—200—EB —8—256—EB—8—280	
Typist	60—3—81—EB—4—125 —5—130f	110—3—131—4—155—EB —4—175—5—180f	
Non-Matric Clerk	55—3—85	105—3—135	To be re-designated as Junior Clerk.
Record Sorter	55—3—85	105—3—135	

1	2	3	4	5
	Rs.	Rs.	Rs.	
		(2) Class IV Posts		
Record Sorter/Record Lifter/Record Supplier	..	40—1—50—2—60	80—1—85—2—95—EB—3—110**	**Duftry, peon etc. who does the work of gestetner operator in addition to his normal duty will be entitled to a special pay of Rs. 3/- p. m. @For one peon only attached to the Chairman in each case.
Duftry	35—1—50	75—1—85—EB—2—95**	
Naik	35—1—50 (Allahabad) 35—1—40 (Others)	} 75—1—85—EB—2—89@	
Peon Watchman Waterman Sweeper Mali/Garden Mali	30—1/2—35		
			70—1—80—EB—1—85	

RAILWAY STAFF COLLEGE, BARODA
PART I—SECTION 2

Designation of the post	Pre-1931 scale of pay	Prescribed scale of pay	Authorized scale of pay	Remarks
1	2	3	4	5
	Rs.	Rs.	Rs.	
		(1) <i>Class III posts</i>		
Hostel Superintendent . . . . .	..	260—15—350	335—15—425	
Asstt. Hostel Superintendent . . . . .	..	80—5—120—EB—8—160	130—5—175—EB—6—205 —7—212	
Chief Clerk . . . . .	..	200—10—300	210—10—290—15—320—EB —15—380	
Clerk Grade I . . . . .	..	80—5—120—EB—8—200— 10/2—220	130—5—160—8—200—EB —8—256—EB—8—280— 10—300	
Clerk Grade II . . . . .	..	60—3—81—EB—4—125— 5—130.	110—3—131—4—155—EB —4—175—5—180	
Non-Matric Clerk . . . . .	..	55—3—85	105—3—135	
Confidential Assistant . . . . .	..	260—15—350	} Will follow	
Confidential Assistant . . . . .	..	200—10—300		
Stenographer . . . . .	..	80—5—120—EB—8— 200—10/2—220	130—5—160—8—200—EB— 8—256—EB—8—280— 10—300	
Typist . . . . .	..	60—3—81—EB— —125— 5—130	110—3—131—4—155—EB —4—175—5—180	
Librarian . . . . .	..	160—350	Will follow	
Primary School Teacher . . . . .	..	68—4—120—EB—5—170.	118—4—170—EB—5—200 —EB—5—225	
Motor Driver Mechanic	}	60—3—81—4—93—EB—	110—3—131—4—143—EB—	
Machine Operator		4—125—5—130	4—171—EB—4—175—5 —180.	
		(2) <i>Class IV posts</i>		
Daftry . . . . .	..	35—1—50	75—1—85—EB—2—95	
Peon Jamadar . . . . .	..	35—1—40	75—1—85—EB—2—95	
Peon	}			
Khalasi		30—1—35	70—1—80—EB—1—85	
Cleaner				
Sweeper				
Sanitary Jamadar . . . . .	..	35—1—50	75—1—85—EB—2—95	
Garden Mate	}			
Garden Khalasi		30—1/2—35	70—1—80—EB—1—85	

SIGNAL & TELE-COMMUNICATION SCHOOL, SECUNDERABAD.

PART I—SECTION 2

Designation of the post	Pre-1931 Scale of pay	Prescribed scale of pay	Authorized scale of pay	Remarks
1	2	3	4	5
	Rs.	Rs.	Rs.	
		<i>1—Class III Staff</i>		
Instructor	360—20—500	450—25—575	
Draftsman Instructor	Do.	Do.	
Tracer	60—4—120—EB—5—150	110—4—150—EB—4—170 —5—180—EB—5—200	
Catering and Hostel Supervisor	200—10—300	250—10—290—15—380	
Head Clerk & Accountant	200—10—300	210—10—290—15—320— EB—15—380	
Accounts Clerk	160—10—250	Will follow	
Librarian	100—5—125—6—155—EB —6—185	Will follow	
Stenographer	200—10—300	Will follow	
Stenographer	80—5—120—EB—8—200 —10/2—220	130—5—160—8—200—EB— 8—256—EB—8—280— 10—300	
Clerks (Accounts, Establishment, Stores, Training Section)	80—5—120—EB—8—200— 10/2—220	130—5—160—8—200—EB —8—256—EB—8—280— 10—300	
Clerks (Catering, Receipt, Despatch and Records)	60—3—81—EB—4—125— 5—130.	110—3—131—4—155—EB —4—175—5—180.	
Typists	Do.	Do.	
Storekeeper	Do.	Do.	
Maintainer	100—5—125—6—155—EB —6—185	150—5—175—6—205—EB —7—240	

1	2	3	4	5
	Rt.	Rs.	Rs.	
Blacksmith } Tinsmith } Carpenter } Painter }	..	60-3-81-4-93-EB- 4-125-5-130	110-3-131-4-155-EB- 4-171-EB-4-175- 5-180	
Motor Driver	Do.	110-3-131-4-155-EB- 4-175-5-180 105-3-135	For Drivers of (a) light or medium vehicles referred to below where the duties involve very long hours, regularly, or are exceptionally arduous and (b) heavy vehicles. For Drivers of light motor vehicles, such as motor cars and jeeps, and of medium transport and goods vehicles.
(2) Class IV Staff				
Striker } Cook Vegetarian } Cook Non-Vegetarian } Asstt. Cook } Bearer } Peons } Attendants } Khalasis } Watchman-cum-Sweeper } Mali } Store Hamal } Cleaners } Caretaker }	..	35-1-50-EB-2-60 35-1-40	Will follow Will follow	
	..	30-1/2-35	70-1-80-EB-1-85	

MINISTRY OF REHABILITATION

New Delhi, the 4th August 1960

S.O. 2007.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of Punjab for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the evacuee properties specified in the schedule hereto annexed.

THE SCHEDULE

All properties in the State of Punjab which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officers under the provisions of the said Act from 1st January 1960 to 30th June 1960, and in respect of which no appeal have been filed and if filed, have been rejected by the Appellate Officer (Officer's) concerned.

[No. 16(18)/58-Prop.II.]

S.O. 2008.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the Union Territory of Delhi, specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons ;

Now, therefore, in exercise of the powers conferred by section 12 of Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule below.

THE SCHEDULE

S. No.	Particulars of evacuee property	Name of the town and locality in which the evacuee property is situated	Name of evacuee
1.	VI/476-79(old)/1088-1093 (new).	Katra Ghulam Mohd.	<div> <div> 1. Balqis Jehan Bagum. 2. Mirza Fazal Ahmed. 3. Mirza Shafi Mohd. 4. Mirza Ahmed. 5. Iqbal Ahmed. 6. Mst. Tamizan Jehan Begum. </div> Daughters and Sona of Mirza Mohd. Ali. </div>
2.	VI/888 (old)/1839-40 (new).	Lal Darwaza	
3.	VI/3147 (old)/6645 (new).	Khari Baoli.	
4.	VI/2533 (old)/5089-90 (new).	Bazar Ballimaran.	
5.	XIV/13866 (old)/8919 (new) Part.	Shidipura, Delhi.	
6.	XIV/5075-76/ & 6635-37/3838 & 5193-97 Part.	Mondhewalan Road, Delhi	
7.	XIV/12491/10351	Manakpur, Gali Nal Wali, Delhi.	Mst. Salamti Begum wife of Haji Amin ud din.
8.	XIV/8544/7412	Qasabpura, Delhi	Haji Noor Ahmed (Din) Mst. Sultan Begum Feroz ud din daughter and sons of Haji Noor ud din.
9.	XIV/8546/7414-15	Qasabpura, Delhi	Hussain Bux son of Kalu Khan.
10.	XIV/8547/4716	Qasabpura, Delhi	Mohd. Usman son of Abdul Ghafoor. Abdul Ghaffar son of Abdul Ghafoor. Abdul Bohtat son of Abdul Ghafoor.

[No. F. 1 (1218)58/Comp. III/Prop. I]

New Delhi, the 5th August, 1960

S.O. 2009.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the Union territory of Delhi specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of Displaced Persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the said evacuee properties.

THE SCHEDULE

S.No.	Particulars of evacuee property	Name of the town and locality in which the evacuee property is situated	Name of evacuee
1	2	3	4
1	Khasra No. 30 . . .	Village Okhla	Shri Munshi son of Chuni.
2	Plot No. 11.	Village Kilokari	Ramzani Muslim son of Amira.
3	Plot No. 12	Village Kilokari	Bundu son of Kharaiti Saqa.
4	Plot No. 1	Village Khureji Khas	Master Habib-ullah Muslim.
5	Plot No. 2	Village Khureji Khas	Wali Mohamed, Nawab and Shafi sons of Chhaju.
6	Plot No. 3	Village Khureji Khas	Allauddin son of Hisam-ud-din.
7	Plot No. 4	Village Khureji Khas	Shabrati son of Nanwa.
8	Plot No. 5	Village Khureji Khas	Shabrati son of Nanwa.
9	Plot No. 8 & 9	Village Khureji Khas	1. Zildar son of Shadi. 2. Amam Khan son of Chorey. 3. Fakur-uddin.
10	Plot No. 10	Village Khureji Khas	Gulsher son of Shahbaz.
11	Plot No. 12	Village Khureji Khas	Musamat Fiyazi Muslim.
12	Plot No. 13	Village Khureji Khas	Amaid Khan and Najaf Khan sons of Tunda.
13	Plot No. 18	Village Khureji Khas	Majid son of Shijawal.
14	Plot No. 19	Village Khureji Khas	Nasroo son of Abdul and Jabar-ud-din son of Rustam.
15	Plot No. 24	Village Khureji Khas	Zahoor-un-din son of Rustam.
16	Plot No. 28	Village Khureji Khas	1. Bashir Ahmed and 2. Nazir Ahmed sons of Shabrati. 3. Allah.
17	Plot No. 30	Village Khureji Khas	Nasrat son of Diwan.
18	Plot No. 32	Village Khureji Khas	Altat son of Chhaju-din Mohamed son of Rafwa. and Nasroo son of Chhaju
19	House No. 1	Village Khureji Khas	Abdul Rahim son of Abdul Latif Khan.
20	House No. 2	Village Khureji Khas	Shakur son of Neta.
21	House No. 3	Village Khureji Khas	Shakur son of Neta.
22	House No. 5	Village Khureji Khas	Allau-ud-din and Main-ud-din sons of Hassam-ud-din.
23	House No. 6	Village Khureji Khas	Ghafoor Saqqa.
24	House No. 7	Village Khureji Khas	Amaid and Najbu sons of Tunda.
25	House No. 8	Village Khureji Khas	Nanwa son of Sultan.
26	House No. 12	Village Khureji Khas	Umar-ud-din son of Wali Dad Khan.
27	House No. 14	Village Khureji Khas	Ramzani son of Fazal.
28	House No. 15	Village Khureji Khas	Nasrat son of Diwan.
29	House No. 16	Village Khureji Khas	Nur Hassan, Nur Din and Allah Dia sons of Inayat.
30	House No. 17	Village Khureji Khas	1. Umar-ud-din son of Sadar Khan. 2. Nasir Ali. 3. Meharud-din son of Gulsher.
31	House No. 18	Village Khureji Khas	Majid son of Shujawal.
32	Plot No. 4	Gali Mate Wali Village Najafgarh.	Jumma son of Jeewan.
33	Ahata No. 5	Gali Beoparian Village Najafgarh.	Jumma son of Jeewan.
34	Plot No. 9	Mohalla Haibatpur	Suleman Khan son of Namdar Khan.

I	2	3	4
35	Plot No. 22 . . .	Mohala Bahadurgarh Road, Village Najafgarh.	Hussain son of Bahadur.
36	Plot No. 41 . . .	Gali Mir Shahwali, Najafgarh.	Abdul Sami Khan son of Mehfooz Ali.
37	Plot No. 42 . . .	Gali Mir Shahwali, Najafgarh.	Abdul Sami Khan son of Mehfooz Ali.
38	Plot No. 43 . . .	Mohala Nawada, Najafgarh.	1. Mehboob and 2. Jangi Khan son of Mehboob Khan.
39	Ahata No. 44 . . .	Mohala Khatewad, Najafgarh.	Azizullah son of Faqirullah.
40	Plot No. 47 . . .	Mohala Masoodabad, Najafgarh.	Baboo, Mohamad Khan and Ghulam Rasool.
41	Plot No. 53 . . .	Mohala Habatpur, Najafgarh.	Azizuddin.
42	Property No. 53 . . .	Mohala Khetawad Najafgarh.	Azizuddin.
43	Ahata No. 72 . . .	Mohala Ghosian, Najafgarh.	Karam Ali Dhobi Son of Sunaullah.
44	Ahata No. 75 . . .	Mohala Ghosian, Najafgarh.	Sroopa Dhobe son of Nakey.
45	Property No. 75/1 . . .	Mohala Kunjroonwala, Najafgarh.	Shibo Son of Khuda Bux.
46	Ahata No. 77 . . .	Mohala Nawada, Najafgarh.	Bhikan Faqir son of Kalu.
47	Plot No. 78 . . .	Mohala Nawada, Najafgarh.	Hasham Shah son of Mehtab Shah.
48	Property No. 82 . . .	Mohala Nawada, Najafgarh.	Abdul Majid son of Abdul Aziz.
49	Shop No. 87 . . .	Dhobi Gate, Najafgarh.	Abdul Wahab son of Abdul Ghafar Khan and Abdul Ghani son of Ismail.
50	Ahata No. 84 . . .	Mohala Haibatpur, Najafgarh.	Fyaz and Mumtaz.
51	Plot No. 91 . . .	Delhi Gate, Najafgarh.	Phool Shah son of Azim Shah.
52	Ahata No. 102 . . .	Mohala Nawada, Najafgarh.	Haji Saqe.
53	Plot No. 102/1 . . .	Bahadur Garh, Najafgarh.	Madi son of Bhure.
54	Plot No. 110 . . .	Gali Telian, Najafgarh.	Jira son of Molar.
55	Plot No. 113 . . .	Mohala Haibatpur, Najafgarh.	Manji.
56	Plot No. 114/1 . . .	Mohala Nawada, Najafgarh.	Najroo son of Kaley Saqa.
57	Plot No. 115 . . .	Mohala Nawada, Najafgarh.	Khairu and Allahbux Teli.
58	Property No. 123 . . .	Gali Kanjroo wali, Najafgarh.	Shakoor.
59	Plot No. 124 . . .	Gali Qazlan Wali, Najafgarh.	Saghir Ali son of Amjad Ali.
60	Plot No. 125 . . .	Mohala Nawada, Najafgarh.	Bhura Qasab Son of Khaija.
61	Property No. 164 . . .	Mohala Khetawad, Najafgarh.	Ghulam Rasul.
62	Property No. 169 . . .	Delhi Gate, Najafgarh.	Ghulam Rasul son of Allah Bux.
63	Property No. 185 . . .	Mohala Masooda Bad, Najafgarh.	Imamud-Din.
64	Property No. 189/1467 . . .	Mohala Masoodabad Najafgarh.	Rashid son of Hamid.
65	Property No. 206 . . .	Gali Kanjroo wali, Najafgarh.	Idu, Shakoor, and Dina.
66	House No. 238 . . .	Village Najafgarh.	Lila son of Kalia.
67	House No. 239/1030 . . .	Village Najafgarh.	Rahim Bux, Naruddin, and Bundu.
68	House No. 247 . . .	Mohala Telian, Najafgarh.	Allah Din son of Dhoon.
69	Property No. 264 . . .	Mohala Khetwas, Najafgarh.	Sher Mohamad.
70	Property No. 273/1 . . .	Mohala Nawada, Najafgarh.	Belu and Ruria sons of Manak.
71	Property No. 304 . . .	Mohala Haibatpur, Najafgarh.	Allah Diya son of Manjud-Din.
72	Property No. 312 . . .	Mohalla Haibatpur, Najafgarh.	Shamshed Khan son of Shahbaz Khan.
73	Property No. 329 . . .	Mohala Khetawas, Najafgarh.	Ghaffar son of Abdul.
74	Property No. 330 . . .	Mohala Nawada, Najafgarh.	Mohamad Khan.
75	House No. 676 (part) . . .	Village Najafgarh.	Rehman son of Hasnu.

1	2	3	4
76	Property No. 754 . . .	Mohala Haihatpur, Najafgarh.	Nanwa son of Nathan.
77	Property No. 765 . . .	Mohala Pathanan, Najafgarh	Ghafoor.
78	Property No. 797 . . .	Mohala Pathanan, Najafgarh	Nazir Khan son of Murta Khan.
79	Property No. 1056 . . .	Gali Khetian, Najafgarh.	Shafia Kunra.
80	Property No. 1122 . . .	Gali Beoparian, Najafgarh.	Hassano son of Bahadur.
81	Property No. 351 . . .	Mohala Nawada, Najafgarh.	Munshi Maqsood Ali.
82	Property No. 1195 . . .	Gali Matewali, Najafgarh.	Fazu son of Abdullah.
83	Property No. 1239 . . .	Mohala Qazian, Najafgarh.	Sagir Ali.
84	Property No. 1258 . . .	Mohala Pathanan, Najafgarh.	Shabhaf Khan son of Sardar Khan.
85	Property No. 1270 . . .	Mohala Pathanan, Najafgarh.	Makhdoom and Mohamad Ikhlag.
86	Property No. 1271 . . .	Mohala Pathanan, Najafgarh.	Abdul Ghani and Abdul Hamid sons of Abdul Hamid Khan.
87	Property No. 1274 . . .	Mohala Pathanan, Najafgarh.	Nane-Khan and Abdul Ghafar Khan sons of Turey Baz Khan.
88	Property No. 1397 . . .	Mohala Khetawas, Najafgarh.	Abdul Majid.
89	Property No. 1531 . . .	Mohala Ghosian, Najafgarh.	Banda and Bundoo sons of Shadi.
90	Property No. 1532 . . .	Ghawala Gate, Najafgarh.	Umar Ali Teli.
91	Property No. 10 . . .	Village Tihar.	Bhure and Bunde.
92	Property No. 11 . . .	Village Tihar.	Bundi Widow of Allah Bux and Ajmeri.
93	Property No. 47 . . .	Village Tihar.	Molar son of Mula.
94	Property No. 126 . . .	Village Tihar.	Shamlat Muslim, Sardar Molar, Fazar Ali Munir sons of Khawani.
95	Property No. 158 . . .	Village Tihar.	Shamlat Muslim Rafiuddin son of Sardool, Sular son of Raina.
96	Property No. 160 . . .	Village Tihar.	Shamlat Muslim Masaluddin, Abdul Rahim sons of Azizuddin.
97	Property No. 162 . . .	Village Tihar.	Basu son of Sapedar.
98	Property No. 163 . . .	Village Tihar.	Ida son of Malwa.
99	Property No. 184 . . .	Village Tihar.	Abdul Rehman.
100	Property No. 164 . . .	Village Tihar.	Chhotrey.
101	Property No. 221 . . .	Village Tihar.	Hakim son of Bundu.
102	Property No. 223 . . .	Village Tihar.	Baludha and Shamsher.
103	Property No. 272 . . .	Village Tihar.	Nasib Khan son of Mohamad Hussian.
104	Property No. 339 . . .	Village Tihar.	Hakim son of Bundu.
105	Property No. 339 . . .	Village Tihar.	Mawasi son of Madari, Muni, Maman.
106	Property No. 343 . . .	Village Tihar.	Bunda son of Jhamman and Mohamad Samim.
107	Property No. 261, 371, 372.	Village Tihar.	Bashir son of Rajjab.
108	Property No. 373 . . .	Village Tihar.	Bundu and Mehrab.
109	Property No. 401 . . .	Village Tihar.	Nanhu son of Nasirulla.
110	Property No. 481 . . .	Village Tihar.	Rahimu son of Sammu.
			Chhanga son of Rammal, Mir Ali son of Daman.
111	Property No. 483 . . .	Village Tihar.	Nazir son of Ramzani.
112	Property No. 492 . . .	Village Tihar.	Rangar Musalman, Sardar son of Khawani, Shabrati son of Shahzad.
113	Property No. 335, 179, 167, 168, 311, 475 and 312.	Village Tihar.	Chaupals Muslims Chhota son of Rehman, Baboo, Lalu son of Shamsher, Bhurey son of Surji, Zamardi son of Dilawar, Imamauddin son of Malwa.

1	2	3	4
114	Khewat No. 17, Khasra No. 877/278/1, 276, 277 measuring 13 biswas.	Village Ghondli.	Mussamat Bibi Wife of Abdul Majid Khan Sheikh.
115	Land measuring 5 Biswas Khewat No. 34, Khatuni No. 141, Khasra Nos. 998/311/625-626.	Village Ghondli.	Mussamat Amna Begum Widow of Mohamad Nasir.
116	Land measuring 5 Biswas Khewat No. 35, Khatuni No. 142, Khasra Nos. 999/311/626/625.	Village Ghondli.	Hafizullah Beg son of Faiz Ahmed Beg.
117	Land measuring 5 Biswas Khewat No. 62, Khatuni No. 170 Khasra Nos. 958/291, 293, 302.	Village Ghondli.	Mussamat Aziz Begum Widow of Ashaf Ali.
118	Land measuring 12 Biswas Khewat No. 22, Khatuni No. 129, Khasra No. 900/83.	Village Ghondli.	Mohamad Yusul, Mohamad Ishaq, Mohamad Hanif son of Abdul Razak.
119	Land measuring 6 Biswas Khewat No. 27, Khatuni No. 134, Khasra No. 1121/309.	Village Ghondli.	Hashmat Ali son of Shafiq Ali.
120	Land measuring 7 Biswas Khewat No. 33 Khatuni, No. 140, Khasra No. 995/309.	Village Gondhli.	Mohamad Rafiq son of Yasin.
121	Land measuring 13 Biswas Khewat No. 18 Khatuni No. 125, Khasra Nos. 878/278/2.	Village Gondhli.	Islamud Din alias Kalu son of Mohamad Ibrahim.
122	Land measuring 8 Biswas Khewat No. 19, Khatuni No. 126, Khasra No. 872/274.	Village Gondhli.	Piaz Mirza Son of Hassan Mirza.
123	Land measuring 18 Biswas Khasra Nos. 41, Khewat No. 67, Khata No. 234.	Village Seelampur.	Mohamad Rafi Bari Son of Karam-Allah.
124	Land measuring 16 Biswas Khewat No. 64 Khasra No. 699/456, Khata No. 231.	Village Seelampur.	Abdul Satar Son of Sirajuddin.
125	Land measuring 16 Biswas Khewat No. 65, Khasra No. 700/456, Khata No. 232.	Village Seelampur.	Abdul Salam Son of Sirajuddin.
126	Land measuring 1 Bigha in Khewat No. 83, Khata No. 262, Khasra No. 823/323.	Village Seelampur.	Mohamad Ellahi Begum Wife of Sharf-Hussain.
127	Land measuring 19 Biswas Khewat No. 86, Khasra No. 827/323, Khata No. 265.	Village Seelampur.	Barkat Ali son of Ramzan.
128	Land measuring 2 Bighas 10 Biswas Khewat No. 82, Khasra No. 825/323, Khata No. 261.	Village Seelampur.	Ashrafud Din.
129	Land measuring 5 Bighas 17 Biswas in Khewat No. 2, Khasra No. 408/365, Khata No. 38/38, 1.	Village Seelampur.	Ashgar Ali, Mansur Ali Sons of Khan Ali and Mussamat Sagira Begum, Daughter of Khan Ali.
130	Land measuring 2 Bighas 3 Biswas in Khewat No. 1 Khasra No. 835/470 & Khata No. 11.	Village Seelampur.	Ghulam Qadir and Barkat Ali Sons of Ramzan.

1	2	3	4
131	Land measuring 5 Biswas in Khewat No. 26, Khasra No. 557/352, Khata No. 132.	Village Oldanpur.	Mohamad Yusuf son of Karim Bux.
132	Land measuring 3 Bighas 2 Biswas in Khewat No. 23 Khasra Nos. 705/382, 594/382, 595/382, 607/401, 608/401, Khata No. 129.	Village Oldanpur.	Matinullah son of Hafiz Ullah and Abdul Ghaffar Son of Mohamad Shaffi.
133	Land measuring 4 Biswas Khewat No. 11, Khata No. 85 Khasra No. 578/372.	Village Oldanpur.	Bundu Son of Niwazi.
134	Land measuring 18 Biswas Khewat No. 8 Khata No. 61, Khasra No. 579/372 and Land measuring 1 Bigha in Khewat No. 8, Khata No. 64, Khasra Nos. 575/372 and 577/372.	Village Oldanpur.	Bundu Son of Niwazi.
135	Land measuring 9 Bighas 6 Biswas in Khewat No. 1, Khasra Nos. 548/346, 347/581/374, 375 and 383/376, Khata No. 20.	Village Oldanpur.	Bundu Son of Niwazi.
136	Land measuring 3 Bighas 3 Biswas Khewat No. 8, Khata No. 63 Khasra Nos. 25 and 98.	Village Oldanpur.	Azmat Khan, Inayat Khan Bundu and Badlu.
137	Land measuring 2 Bighas 2 Biswas in Khewat No. 12, Khasra Nos. 560/353 and 53, Khata No. 88.	Village Oldanpur.	Bundu Son of Niwazi.
138	Land measuring 3 Bighas 10 Biswas Khewat No. 15 Khasra Nos. 628/407, 507/248, 566/358, 657/420, 695/442, 514/278, 462/45, 587/337-80, 471/48, 642, 412 679/442.	Village Oldanpur.	Mohamad Rashid Khan Son of Mohamad Ramzan Khan.
139	Khasra Nos. 547, 549	Village Khureji Khas	Amroz Jehan Begum, Daughter of Mukhriar Ali.

[No. F. 1 (1218)58/Comp. III/Prop. I.]

(Office of the Chief Settlement Commissioner)

New Delhi, the 2nd August 1960

S.O. 2010.—In exercise of the powers conferred by Section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government hereby appoints Shri Parshotam Sarup, Appellate Officer as Deputy Chief Settlement Commissioner for the purpose of performing the functions assigned to such Commissioners by or under the said Act, with effect from the 7th July, 1960.

[No. 11(4)/CSC5AI-60.]

S.O. 2011.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954

(44 of 1954), the Central Government hereby appoints Shri Parshotam Sarup, Appellate Officer, as Deputy Chief Settlement Commissioner for the purpose of performing the functions assigned to such Commissioners by or under the said Act with effect from the 7th July, 1960.

[No. 11(4)/CSC/AI-60/I.]

New Delhi, the 3rd August 1960

S.O. 1012.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Comp. & Rehab.) Act No. 44 of 1954 the Central Government hereby appoints the Officer for the time being holding the post of Administrator Pepsu Township Development Board, Rajpura as Managing Officer, for the custody, management and disposal of compensation pool.

[No. 18(61)Admn(Prop)/58/ARG.]

CORRIGENDUM

New Delhi, the 8th August 1960

S.O. 1013.—In this Ministry's Notification No. 16(3)/Admn(Prop)/60, dated 17th May, 1960 after the words "the Central Government hereby appoints for" and before the words "the Bombay Suburban District" please insert "The Bombay City and".

[No. 16(3)Admn(Prop)/60/ARG.]

KANWAR BAHADUR,

Settlement Commissioner (A) & *Ex-Officio*
Dy. Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 3rd August 1960

S.O. 1014.—In exercise of the powers conferred by section 8 of the Minimum Wages Act, 1948 (11 of 1948), read with rules 3 and 6(4) of the Minimum Wages (Central Advisory Board) Rules, 1949, the Central Government hereby cancel the nomination of Mr. J. L. Jewell, as a member of the Central Advisory Board representing the interests of employers, and nominates Mr. J. S. Hardman as a member of the Board in the consequent vacancy and makes the following further amendment in the notification of the Government of India in the Ministry of Labour & Employment No. LWI(I)6(15)/58 dated the 17th November, 1959, namely:—

In the said notification, under the heading "Representatives of Employers" for entry 3, the following entry shall be substituted, namely:—

"3. Mr. J. S. Hardman, Shillong Adviser, Indian Tea Association, Cedar Lodge, Shillong."

[No. LWI(I)6(21)/59.]

K. D. HAJELA, Under Secy.

New Delhi, the 5th August 1960

S.O. 1015.—The following draft of certain further amendments to the Calcutta Dock Workers (Regulation of Employment) Scheme 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 5th September 1960.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Amendments

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1960.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1936, hereinafter referred to as the said Scheme, in Clause 3—(1) for item (o) the following item shall be substituted, namely:—

“(o)” registered employer” means a stevedore whose name is, for the time being, entered in the employers’ register”.

3. In the said Scheme in Sub-clause (1) of Clause 15, for item (a), the following item shall be substituted namely:—

“(a) There shall be a register of employers deemed to have been registered or registered under item (b) or (c) as the case may be.”

4. In the said Scheme in sub-clause (2) of clause 18, for item (i), the following item shall be substituted, namely:—

“(i) Subject to items (ii) to (v), tally clerks who are in permanent employment of shipping companies or shipping agents, or tally clerks of contractors or stevedores on a monthly salary basis on the date the Scheme comes into force shall not be registered but they can work without being registered:

Provided that the contractors of tally clerks, who were carrying on business as suppliers of tally clerks to vessels on the 8th October, 1956, shall be allowed such time as the Board may deem adequate to enable them to absorb such of the tally clerks as were in their employment on the date aforesaid, in permanent employment on a monthly salary basis, and the names of such tally clerks, if already registered, shall be removed from the Reserve Pool register from the date they are absorbed by the contractors on a permanent basis.”

[No. 523(5)/60-Fac.]

ORDER

New Delhi, the 3rd August 1960

S.O. 2016 PWA/Rlys./Sec.5(3)/60.—In exercise of the powers conferred by sub-section (3) of section 5, read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby rescinds, with effect on and from the 5th August, 1960, the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 1710 PWA/Rlys./Sec.5(3)/60, dated the 7th July, 1960 (exempting the person responsible for payment of wages to persons employed upon any railway, otherwise than in a factory, from the operation of the said section 5).

[No. Fac-539(10)/60.]

R. C. SAKSENA. Under Secy.

New Delhi, the 5th August 1960

S.O. 2017.—The Government of the State of Gujarat having nominated, in exercise of the powers conferred by clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), Shri Bannesinhji J. Jhala, I.A.S., Secretary to the Government of Gujarat, Education and Labour Department, as a member representing the said State on the Employees' State Insurance Corporation, the Central Government, in pursuance of the said section 4, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-1(196)57 dated the 15th March, 1958, namely:—

In the said notification, under the heading 'Members' and sub-heading '[Nominated by the State Governments under clause (d) of Section 4]', below item 17-B, the following item shall be inserted, namely:—

“17-C Shri Bannesinhji J. Jhala, I.A.S., Secretary to the Government of Gujarat, Education and Labour Department, Ahmedabad”.

[No. F. HI-1(32)/60.]

New Delhi, the 9th August 1960

S.O. 2018.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948, (34 of 1948), the Central Government hereby appoints the 14th August, 1960, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas of the State of Rajasthan, namely:—

I—The areas within the Municipal limits of Udaipur City and the revenue village of Purohiton-ki-Madri, in tehsil Girwa, district Udaipur.

II—The areas within the Municipal limits and Kaswa Bharatpur in Bharatpur tehsil, district Bharatpur.

[No. F. HI-13(10)/60.]

S.O. 2019.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948, (34 of 1948), the Central Government hereby appoints the 14th August, 1960, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas of Adoni and Kakinada in the State of Andhra Pradesh, namely:—

I. (A) The areas within the limits of the following revenue villages of:—

(a) Madira;

(b) Isvi;

(c) 104 Basapuram; and

(d) Kallubavi

in the taluk of Adoni, Kurnool district.

(B) The areas within the limits of the revenue villages of:—

(a) Nagarur and

(b) Danapuram

in the taluk of Alur, Kurnool district.

(c) The entire area included within the Municipal limits of Adoni Municipality, Kurnool district.

II. (A) The areas within the limits of the following revenue villages of:—

(a) Kakinada;

(b) Kakinada Medaline;

(c) Jagannaickpur and parts of;

(d) Ramanayyapeta (Village No. 19);

(e) Suryaraopeta (Village No. 32);

(f) Turangi (Village No. 37);

comprised in the Municipal areas of Kakinada and in the non-Municipal areas of Ramanayyapeta, Suryaraopeta and Turangi revenue villages.

(B) The areas within the limits of the following revenue villages of:—

(a) Achutapuratriam (Village No. 27);

(b) Cheediga (Village No. 31);

(c) Repuru (Village No. 30);

(d) Kovvada (Village No. 29);

(e) Ganganapalli (Village No. 28) on the West and

(f) Kovvuru (Village No. 36);

(g) Nadakuduro (Village No. 38);

(h) Penuguduru (Village No. 46);

(i) Karapa (Village No. 41) on the South West and

(j) Sarpavaram (Village No. 21);

(k) Madhavapatnam (Village No. 22);

(l) Tirmapuram (Village No. 16);

- (m) Panasapadu (Village No. 20) on the North and
 - (n) Vakalapudi (Village No. 18) on the North East and
 - (o) Gurajanapalli (Village No. 47);
 - (p) Chollangi (Village No. 48) and
 - (q) Chollangipeta (Village No. 49) on the South
- in the Municipal area and in the revenue taluk of Kakinada.

[No. F. III-13(9)/60.]

BALWANT SINGH, Under Secy.

New Delhi, the 6th August 1960

S.O. 2020.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1946 (22 of 1946) read with sub-rule (2) of rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, the Central Government hereby nominates Shri K. V. Natarajan, I.A.S., Collector of Nellore, to be a member of the Mica Mines Labour Welfare Fund Advisory Committee for the State of Andhra Pradesh in place of Shri M. M. Baig, I.A.S., who has proceeded on leave and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1979, dated the 17th September, 1958, as amended by S.O. 1661, dated the 21st July, 1959, namely:—

In the said notification, for entry (1), the following shall be substituted, namely:—

- “(1) Shri K. V. Natarajan, I.A.S.,
Collector of Nellore—Chairman.”

[No. M-III 23(5)60.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 6th August 1960

S.O. 2021.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), and in supersession of the notification of the Government of India in the Ministry of Labour No. S.R.O. 2971, dated the 4th December, 1956, the Central Government hereby appoints each of the officers mentioned in column 2 of the Table annexed hereto as conciliation officer for—

- (i) all industries carried on by or under the authority of the Central Government;
- (ii) all railways;
- (iii) all mines, oilfields and major ports; and
- (iv) all banking and insurance companies.

In the area specified in the corresponding entry in column 3 of the said table.

THE TABLE

Serial No.	Designation of officers	Territorial jurisdiction
1	2	3
1.	Chief Labour Commissioner (Central), New Delhi.	Whole of India but with regard to the State of Jammu and Kashmir the jurisdiction extends only in relation to industrial disputes concerning workmen employed under the Government of India.
2.	Deputy Chief Labour Commissioner (Central), New Delhi	Do.
3.	Regional Labour Commissioner (Central) (Verification), New Delhi	Do.
4.	Welfare Adviser to the Chief Labour Commissioner (Central), New Delhi.	Do.

1	2	3
5.	Regional Labour Commissioner (Central), Kanpur.	The States of Punjab and Uttar Pradesh and the Union territories of Delhi and Himachal Pradesh and the State of Jammu and Kashmir in relation to industrial disputes concerning workmen employed under the Government of India.
6.	Regional Labour Commissioner (Central), Calcutta.	The States of West Bengal (excluding coal mines), Orissa (excluding iron ore and manganese mines) and Assam, and the Union territories of Manipur and Tripura.
7.	Regional Labour Commissioner (Central), Dhanbad.	The States of Bihar, West Bengal (coal mines only) and Orissa (iron ore and manganese mines only).
8.	Regional Labour Commissioner (Central), Jabalpur.	The States of Madhya Pradesh and Rajasthan.
9.	Regional Labour Commissioner (Central), Bombay.	The States of Gujarat and Maharashtra.
10.	Regional Labour Commissioner (Central), Madras.	The States of Madras, Mysore, Kerala and Andhra Pradesh.
11.	Conciliation Officer (Central) Kanpur.	The States of Punjab and Uttar Pradesh and the Union territories of Delhi and Himachal Pradesh and the State of Jammu and Kashmir in relation to industrial disputes concerning workmen employed under the Government of India.
12.	Conciliation Officer (Central), (Verification), Kanpur.	
13.	Conciliation Officer (Central), Delhi-I.	
14.	Conciliation Officer (Central), Delhi-II.	
15.	Conciliation Officer (Central), Ambala.	
16.	Conciliation Officer (Central), Calcutta-I.	The States of West Bengal (excluding coal mines), Orissa (excluding iron ore and manganese mines) and Assam and the Union territories of Manipur and Tripura.
17.	Conciliation Officer (Central), Calcutta-II.	
18.	Conciliation Officer (Central), (Verification), Calcutta.	
19.	Conciliation Officer (Central), Shillong.	
20.	Conciliation Officer (Central), Jharsuguda.	The States of Orissa, West Bengal (excluding coal mines), Assam, the Union territories of Manipur and Tripura, and the districts of Singhbhum and Ranchi in the State of Bihar (iron ore and manganese mines only).
21.	Conciliation Officer (Central), Dhanbad-I.	The State of Bihar excluding iron ore and manganese mines in the districts of Singhbhum and Ranchi, and the State of West Bengal (coal mines only).
22.	Conciliation Officer (Central), Dhanbad-II.	
23.	Conciliation Officer (Central), Dhanbad (Headquarters).	
24.	Conciliation Officer (Central), (Verification), Dhanbad.	
25.	Conciliation Officer (Central), Hazaribagh.	The States of Madhya Pradesh and Rajasthan.
26.	Conciliation Officer (Central), Asansol.	
27.	Conciliation Officer (Central), Raniganj-I.	
28.	Conciliation Officer (Central), Raniganj-II.	
29.	Conciliation Officer (Central) Jabalpur.	The States of Madhya Pradesh and Rajasthan.
30.	Conciliation Officer (Central), Ajmer.	
31.	Conciliation Officer (Central), Bombay-I.	The States of Gujarat and Maharashtra.
32.	Conciliation Officer (Central), Bombay-II.	
33.	Conciliation Officer (Central), (Verification), Bombay.	
34.	Conciliation Officer (Central), Nagpur.	The States of Madras, Mysore, Kerala and Andhra Pradesh.
35.	Conciliation Officer (Central), Secunderabad.	
36.	Conciliation Officer (Central), Visakhapatnam.	
37.	Conciliation Officer (Central), Madras.	
38.	Conciliation Officer (Central), (Verification), Madras.	
39.	Conciliation Officer (Central), Ernakulam.	

S.O. 2022.—In pursuance of sub-section (3) of section 22 of the Industrial Disputes Act, 1947 (14 of 1947), and in supersession of the notification of the Government of India in the Ministry of Labour S.R.O. No. 2972, dated the 4th September, 1956, the Central Government hereby specifies each of the officers mentioned in column 2 of the Table hereto annexed in respect of the area mentioned in the corresponding entry in column 3 thereof as the authority to whom intimation by the employer of any lockout or strike referred to in the said sub-section shall be sent.

THE TABLE

Serial No.	Designation of Officer	Territorial jurisdiction
1	2	3
1.	Conciliation Officer (Central), Kanpur.	The State of Uttar Pradesh.
2.	Conciliation Officer (Central), Delhi.	The State of Punjab and the Union territories of Delhi and Himachal Pradesh and the State of Jammu and Kashmir in relation to industrial disputes concerning workmen employed under the Government of India.
3.	Conciliation Officer (Central), Calcutta	The State of West Bengal (excluding coal mines).
4.	Conciliation Officer (Central), Shillong	The State of Assam and the Union territories of Tripura and Manipur.
5.	Conciliation Officer (Central), Dhanbad	The State of Bihar, excluding iron ore and manganese mines in the districts of Singhbhum and Ranchi.
6.	Conciliation Officer (Central), Hazaribagh	
7.	Conciliation Officer (Central), Asansol	The State of West Bengal (coal mines only).
8.	Conciliation Officer (Central), Jharsuguda	The State of Orissa and the disputes of Singhbhum and Ranchi in the State of Bihar (iron ore and manganese mines only).
9.	Conciliation Officer (Central), Jabalpur	The State of Madhya Pradesh.
10.	Conciliation Officer (Central), Ajmer	The State of Rajasthan.
11.	Conciliation Officer (Central), Bombay	The States of Maharashtra and Gujarat.
12.	Conciliation Officer (Central), Secunderabad	The State of Andhra Pradesh.
13.	Conciliation Officer (Central), Madras	The States of Madras and Mysore.
14.	Conciliation Officer (Central), Ernakulam	The State of Kerala.

[No. LR I-1/27/60.]

A. L. HANDA, Under Secy.

New Delhi, the 6th August 1960

S.O. 2023.—In exercise of the powers conferred by section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby makes the following further amendment in the Coal Mines Bonus Scheme, published with the notification of the Government of India in the late Ministry of Labour No. PF.16(1)/48, dated the 3rd July, 1948, namely:—

1. This Scheme may be called the Coal Mines Bonus (Amendment) Scheme, 1960.
2. In the Coal Mines Bonus Scheme, in sub-paragraph (1) of paragraph 6, for the words and figures "and days of idleness caused by any temporary breakdown of machinery or any other technical reason or by any lock-out which is illegal under section 24 of the Industrial Disputes Act, 1947" the words and figures "and days of lay-off as defined in clause (kkk) of Section 2 of the Industrial Disputes Act, 1947, and days of idleness caused by any lock-out which is illegal under section 24 of the said Act" shall be substituted.

[No. 3(113)/58-PF.I.]

V. R. ANTANI, Dy. Secy.

New Delhi, the 6th August 1960

S.O. 2024.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Khas Karanpura Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 23 of 1960

PARTIES:

Employers in relation to Khas Karanpura Colliery

AND

Their workmen

PRESENT

Shri G. Palit, M.A., B.L., Chairman,
Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri S. S. Mukherjee, B.Sc., B.L., Advocate—for the employers.

Shri S. K. Mukerjee, M.A., B.L., Advocate—for the workmen.

STATE: Bihar.

INDUSTRY: Coal.

Calcutta, the 25th July 1960

AWARD

The Ministry of Labour & Employment, Government of India, by its Order No. 2/81/60-LRII, dated the 12th May 1960, made in pursuance of Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 1947) referred the aforesaid dispute to the Central Government Industrial Tribunal, Dhanbad, presided over by me for adjudication concerning the matters as per schedule below:—

“Whether the retrenchment of Sarvashree D. K. Sen Gupta, Prabhu Dayal and P. R. Sarkar, with effect from 16th November 1959 was justified. If not, to what relief are they entitled?”

2. According to the union this retrenchment was *malu fide*. There was no necessity for having recourse to such retrenchment, regard being had to the trading position of the concern at the time of the retrenchment. Further it is contended that the principles enunciated under Section 25G of the Industrial Disputes Act, 1947 have not been followed in the present case. The management on the other hand contends that there was a compelling necessity for curtailing the coal mining operation in view of the reduction in the volume of work and it is asserted that the principles of retrenchment were strictly followed.

3. Turning to the evidence led before me I consider Exhibit-A which contains a resume of the coal raising output during the year 1959. The retrenchment took place on 15th October 1959. From the table as per Exhibit-A I find that in October the raising tonnage was 4,174, while in the preceding month of September it was 5,324 and in the succeeding month of November 1959 it was 5,151 tons. In May 1959 the tonnage of raising was 4,904 only. So from a critical examination of this monthly return of raisings and also in view of the stock in hand I find that there was just a temporary decline in production in October 1959. It was not such as could be said to be disconcerting enough or appalling as to take recourse to immediate retrenchment. Besides, immediately after the retrenchment there was a rally in production. I have also in evidence that the company is bent on development work. The electric installation has been undertaken. It is admitted by O.P.W. 1 the Labour Welfare Officer that at Khas Karanpura Colliery they were having development work. They have started second outlet of the old incline that was already there. They are also having overburden work in the colliery in question. So the total trading position is not as dismal as it is sought to be depicted. Thus I have just reason to suspect that this decrease in volume of work might be more in the nature of a plea than of genuine necessity. It is also significant that no other person barring those three men who had indulged in trade union activities were selected for retrenchment. I am conscious that all this can never be conclusive. But it shows the background in which this retrenchment affairs should be scrutinised.

4. Next, I come to consider whether the principles enunciated under Section 25G of the Industrial Disputes Act 1947 have been followed. Exhibit-F describes those three men as junior-most in their category for which they are said to have been selected for retrenchment. Exhibit-G purports, to have names of all the workmen with their dates of appointment. In the foot-note of this Exhibit, it is stated that anybody objecting to the date of appointment or categorisation must inform the manager within one week of the notice. It is the union's story that it objected to the date of appointment being correct. It filed and put the objection in the complaint box kept by the colliery. But as that complaint is not forthcoming, I may take it that the union did not object to the dates of appointment as per Exhibit-G. But there is evidence placed before me on this point. Exhibit-3 which is not disputed shows that Shri D. K. Sen Gupta was given a copy of the Regulation Rules and Bye-laws with effect from 1st May 1955. That was, of course, made over to him on 21st September 1955. This lends support to his story that he was appointed with effect from 1st May 1955. I feel inclined to accept this version because otherwise there is no point in imposing upon him the standing orders with effect from 1st May 1955, as per Exhibit-3. O.P.W. 1 admits that the dates of Exhibit-G were taken from an old register. That register is in their office but this original document has not been produced before me. So the mere fact that no objection was taken to the dates of appointment as per Exhibit-G does not by itself go far enough. So Shri D. K. Sen Gupta's contention that he was not junior to Shri Ambasta who joined on 8th May 1955, is correct. Thus the principle of 'last come first go' has not been observed at least in the case of Shri D. K. Sen Gupta.

5. Similarly, in the case of Shri P. R. Sarkar the management contends that he was an apprentice. He knows very little of typing work. Shri C. C. Chatterjee does the typing work. C. C. Chatterjee is said to be the despatch clerk. But if I turn to Exhibit-2 which is dated 10th May 1959, I find that the Manager has addressed a letter to Shri P. R. Sarkar who is described "as a clerk." This contradicts the management's version that he was merely an apprentice. Not only that. I find that he was also in charge of the typing machine. He was warned that he should not permit other unauthorised persons who have only knowledge of handling a typewriter to type letters with this machine. Only Shri C. C. Chatterjee, two other men and P. R. Sarkar were permitted to use the typing machine. So I am inclined to accept the version of Shri P. R. Sarkar that he was a Typist. If Shri C. C. Chatterjee is a despatch clerk, the Union's version is proved, namely that there is no other typist in the colliery left after the retrenchment of Shri P. R. Sarkar. Even on admission several letters are daily written besides other miscellaneous work. So it can hardly be accepted that Shri P. R. Sarkar has been retrenched, because there was no work for him. Besides, Exhibit-G does not contain the name of C. C. Chatterjee as the despatch clerk. So there is nothing before the Tribunal to ascertain that he was senior to Shri P. R. Sarkar. Thus the retrenchment of Shri P. R. Sarkar does not appear to conform to the principles laid down under Section 25-G of the Act.

6. Next, come to the case of Shri Prabhu Dayal. His date of appointment is given in Exhibit-G as 21st July 1956. Even under the said document of the management, I get that Shri S. S. Patra and Shri Ramesh Misra are junior to him. About Ramesh Misra it is said that he is the employer's representative. But he is described as an Attendance Clerk none the less. Nothing is said about S. S. Patra why he should have been spared in the matter of retrenchment as against Prabhu Dayal, though he may happen to be junior to him in service. So in the case of Prabhu Dayal also the provisions of Section 25G had not been followed. The notice in form 'P' as required under Section 25F has not been properly complied with. The section in the notice that is mentioned is 10A under which the notice is given. This is admitted to be an error. There is no evidence that retrenchment compensation was given or offered to these three men as required under Section 25F. So the formalities of law bearing on retrenchment have not been complied with.

7. The last but not the least, it is a clear case of the union that these three persons have been victimised. If I turn to Exhibit-4 I get that Shri D. K. Sen Gupta was the Organising Secretary and Shri Prabhu Dayal was the Joint Secretary and Shri P. R. Sarkar was the Office Secretary of the Union. This union was formed on 5th October 1959. The retrenchment came in only a few days later. It is in evidence that no other persons have been retrenched. I have found that the retrenchment in question are not above suspicion. So having regard to these facts into consideration, I am clearly of opinion that these three workmen have been victimised by the management for their activities in forming a union. Hence I find that the retrenchment of D. K. Sen Gupta, Prabhu Dayal, and P. R. Sarkar with effect from 16th November 1959 was not justified. They are entitled to reinstatement which I award within one month of this award coming into operation. I allow them compensation for this period of forced

idleness from 16th November 1959 upto the date of reinstatement at the rate of half their usual wages. This would be payable in two consecutive equal monthly instalments immediately after this award becomes operative.

Sd./- G. PALIT,

Chairman,

Central Government's Industrial Tribunal,
Dhanbad.

Camp: Calcutta,

The 25th July 1960.

[No. 2/81/60-LR.II.]

New Delhi, the 8th August 1960

S.O. 2025.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Kamptee Colliery and their workmen:—

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL AT BOMBAY.

REFERENCE No. CGIT-20 OF 1960

Employers in relation to the Kamptee Colliery

AND

Their workmen

PRESENT

Shri Salim M. Merchant, Presiding Officer

Dated Bombay, the 29th July, 1960

APPEARANCES:

For the employers: Shri D. D. Diddee, Agent, Kamptee Colliery.

For the workmen: Shri S. W. Dhabe, Advocate and General Secretary,
N.P., I.N.T.U.C.

Shri Sham Rao Raul, General Secretary, Vidharba
Kajala Khadan Kamgar Sangh.

STATE: Maharashtra.

INDUSTRY: Coal.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 1/23/60-LR-II, dated 6th May, 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the subject matter specified in the following schedule to the said Order:—

SCHEDULE

"Whether the workmen employed in the Kamptee Colliery are entitled to payment of sick khoraki, and if so, at what rates and from which date after the 7th April 1959?"

2. After the usual notices were issued on the parties, the General Secretary of the Vidarbha Coal Khadan Kamgar Sangh, P.O. Kamptee, Nagpur District, filed the statement of claim on behalf of the workmen, dated 16th June 1960 and the management filed its written statement in reply, dated 8th July 1960, after which the dispute was heard before me at Bombay on 25th July 1960.

3. The only questions under reference are whether the workmen employed in the Kamptee Colliery are entitled to payment of sick khoraki, and if so at what rates, and from which date, after 7th April 1959. The Kamptee Colliery, it appears, employs about 500 workmen of whom 200 are Gorakhpuri labour. This colliery does not grant any separate sick leave to its workmen beyond the

statutory period of leave provided under the Mines Act, 1952, as amended in January 1960.

4. It appears that on 18th February 1960 the Vidarbha Coal Khadan Kamgar Sangh (hereinafter called the union) made a demand for sick khoraki at the rate of half the rate of wages for 21 days in the year. The conciliation proceedings were held on 10th March 1960 but ended in failure, as stated in the Conciliation Officer's Report, dated 15th March 1960 (exhibit W. 1). In support of its demand the union has mainly relied upon the discussion on the subject of "the revision of the rates of sick khoraki", contained in the award of Shri A. Das Gupta, ex-Member of the Labour Appellate Tribunal, as Arbitrator (Colliery Disputes) at pages 78 to 82 of the printed copy of that award. In his award Shri Das Gupta traced the history of the practice of payment of sick khoraki as it prevails in the coal industry. From that discussion it is clear that there is a general practice in the well to do collieries to grant sick khoraki to its workmen. In para 6 at page 80 of his award the learned Arbitrator observed:

"As I have mentioned that workers cannot be expected to keep fit for 365 days in a year, the employers have a social and moral obligation to make provision for the workers to maintain themselves and members of their family during periodical indisposition while in service. Sick leave to the workmen has come to be a condition of employment in industrial establishments in the same way as leave with pay. The necessity for rest during the periodical indisposition of the workers cannot be exaggerated. If the workers are not provided with means to fall back upon during such rest, the result will be more disastrous. Sick leave can no longer be called a generous grant of the employers out of charity."

With regard to the prevailing rate and period of sick leave the learned Arbitrator in para 7 has observed as follows:—

"Sick leave is generally granted for 15 days in a year and the monetary benefit available to the workers during such leave is 50% of their average pay, including dearness allowance."

The learned Arbitrator, however, functioned within limited jurisdiction and he had no jurisdiction to direct those collieries which did not pay sick khoraki to make such payment. The learned Arbitrator has referred to the discussions before the Sub-Committee of the Industrial Committee on Coal Mining held on the 15th and 16th April 1959. It appears that it was provisionally agreed at that meeting that sick khoraki at half the workmen's wages would be granted for a period of 14 days in a year and that in the case of collieries which were granting sick khoraki for more than 14 days, the rates of sick khoraki would be on the existing scale. It was further agreed at that meeting that wherever the workmen were enjoying better facilities those should be continued. It further appears from the discussion in the Arbitrator's award that that agreement was not finalised because of the parties not reaching an agreement on some other questions. The learned Arbitrator has observed that the terms of the provisional agreement were in line with the general practice about sick leave in other industrial establishments. He further observed and directed, "the ground on which the agreement was turned down does not appeal to me. I am accordingly to direct that sick khoraki shall be available to the workmen at half their wages (basic and dearness allowance) for a period of 14 days in a year".

5. That award, however, does not apply to this Colliery because the Kamptee Colliery was not one of the collieries where there was a practice of payment of sick khoraki. Though in its written statement of claim in this reference the union had asked for sick khoraki for 21 days in the year at the rate of half wages (basic plus dearness allowance), at the hearing Shri Dhabe, the learned Advocate representing the union, was prepared to modify its demand in terms of the directions contained in the Arbitration Award of Shri A. Das Gupta.

6. Shri D. D. Diddec, Agent of the Kamptee Colliery has largely relied upon the provisions regarding leave contained in Chapter VII of the Mines Act 1952. He has pointed out that under the Mines Act of 1923 there was no provision for any sick leave and that the Mines Act of 1952, prior to its recent amendment provided for payment of 14 days leave with pay for monthly paid staff and 7 days leave with pay for the weekly paid staff. Under the recent amendment dated 18th January 1960, this leave has been raised to one day for every 16 days of work performed for those employed below ground and in other cases.

one day for every 20 days of work performed during the previous year. Shri Diddee has urged that as these are statutory provisions, this Tribunal should not grant anything more than what is provided by the statute. He has pointed out that this colliery started raising coal in 1956 and that it was granting leave to its workmen according to the provisions of the Mines Act and there was no justification for granting any other relief by way of sick khoraki.

7. I have heard the submissions of both the parties and in my opinion the union is justified in its demand for payment of sick khoraki. There is no averment in the written statement of the colliery that it cannot bear the financial burden of the demand which the union has made. The provisions of the Mines Act relating to leave are the minimum provisions which every colliery has to provide. That does not preclude an Industrial Tribunal from granting better benefits of leave than are provided under section 51 of the Mines Act of 1952 as amended upto date. Shri Dhabe the learned Advocate for the union has rightly relied upon the provisions of section 50 of the Mines Act, 1952 (XXXV of 1952) which provides that the provisions of that Chapter (Chapter VII) shall not operate to the prejudice of any rights to which a person employed in a mine may be entitled to under any other law and he argued that under the provisions of the Industrial Disputes Act, the workmen could claim higher benefits by way of sick khoraki than are provided under section 51 of the Mines Act. I accept this contention. Under item 4 of schedule 3 of the Industrial Disputes Act, the workmen are entitled to raise an industrial dispute with regard to the payment of sick khoraki and the provisions of section 51 of the Mines Act, 1952 do not preclude such a dispute being raised or a Tribunal granting the demand, if it is satisfied that the demand is otherwise justified.

8. It was admitted at the hearing by the management that it pays its Gorakhpuri labour numbering about 200 sick khoraki of 10 annas per day of sick leave, which is limited to 12 days in the year. Thus, for a section of its employees the management has in principle and practice recognised the claim for payment of sick khoraki. However, in the light of the discussion contained in the learned Arbitrator Shri A. Das Gupta's award, I am satisfied that the rate of sick khoraki and also its period as granted by this company to its Gorakhpuri labour is inadequate. I, therefore, hold that the workmen employed in the Kamptee Colliery are entitled to payment of sick khoraki at the rate of half their average monthly wages (basic plus dearness allowance) of the previous twelve months, for a period of 14 days in a year, and I answer the first two questions under reference accordingly.

9. The next question to consider is what should be the date from which this claim should be allowed. The union has claimed it from the date the demand was made, i.e., from 18th February 1960, but considering all the facts and circumstances, I think that the benefit should be granted from 1st July 1960, and I direct accordingly.

I accordingly make my Award in terms stated above.

Since the workmen have succeeded I award them Rs. 100/- as costs, to be paid by the Employers to the Union on record.

Sd./- SALIM M. MERCHANT,
Presiding Officer,

Central Government Additional Industrial Tribunal,
Bombay.

[No. 1/23/60-LRII.]

ORDERS

New Delhi, the 6th August 1960

S.O. 2026.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kotma Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Kotma Colliery were justified in refusing to re-employ Shri Chand Kishore as Coal Cutting Machine Driver? If not, what relief is he entitled to?

[No. 2/149/60-LRIL.]

New Delhi, the 9th August 1960

S.O. 2027.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Gokuldoh Mine and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Goduldoh mine of Shri D. T. Punjabi was justified in terminating the services of Shri Indroo s/o Atmaram? If not, what relief he is entitled to?

[No. 21/23/60-LRIL.]

S. N. TULSIANI, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 3rd August 1960

S.O. 2028.—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendments in the Schedule to the Notification of the Government of India in the Ministry of Information and Broadcasting, No. SRO-618, dated the 28th February, 1957, namely:—

In the said Schedule, (1) in Part II, under the heading "All India Radio" and the sub-heading "Subordinate Offices", for the words "All posts" and entries relating thereto in columns 2 to 5, the following shall be substituted, namely:—

1	2	3	4	5
"Ministerial posts. Superintendent (Senior Grade) Superintendent (Junior Grade) Accountant Head Clerk Clerk Grade I Storekeeper Programme posts. Transmission Executive	Deputy Director General (Adminis- tration).	Deputy Director General (Adminis- tration).	All	Director General.
Technical posts. Sniff Assistant Senior Mechanic Instrument Repairer Draftsman Grade I Draftsman Grade II All other posts				
	Head of office.	Head of office.	All	Director General."

(2) In Part III, under the heading "All India Radio" and the Sub-heading "Subordinate Offices," in column 5, for the words 'Director General', the words "Deputy Director General (Administration)" shall be substituted.

[No. 6(75)/58-B(A)]

J. D. JAIN, Under Secy.

